

TRANSCRIPT OF PROCEEDINGS

IN THE MATTER OF:)
)
MARINE FISHERIES ADVISORY)
COMMITTEE FALL MEETING)
)

REVISED AND CORRECTED TRANSCRIPT

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BEFORE THE NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

IN THE MATTER OF:)
)
MARINE FISHERIES ADVISORY)
COMMITTEE FALL MEETING)
)

Fenton Room
Silver Springs Civic Building
One Veterans Plaza
Silver Spring, Maryland

Thursday,
September 25, 2014

The parties met, pursuant to the notice, at
9:00 a.m.

BEFORE: KEITH RIZZARDI
 MAFAC Chairman

PARTICIPANTS:

MEMBERS:

EDWARD (TED) AMES, Senior Advisor, Penobscot East
Resource Center (Via Telephone)
BOB BEAL, Executive Director, ASMFC
JULIE BONNEY, Executive Director, Alaska
Groundfish Data Bank, Inc.
RICHEN (DICK) M. BRAME, Atlantic States Fisheries
Director, Coastal Conservation Association
COLUMBUS H. BROWN, U.S. Fish and Wildlife Service,
Retired
TONY CHATWIN, Budget & Strategic Planning
Subcommittee Chair
PAUL CLAMPITT, Owner, F/V Augustine
DAVID DONALDSON, Executive Director, GSMFC
PHILLIP J. DYSKOW, Yamaha Marine Group, Retired
MICHELE LONGO EDER, JD, Attorney and Owner

PARTICIPANTS: (Cont'd)

RANDY FISHER, Executive Director, Pacific States
Marine Fisheries Commission
ELIZABETH (LIZ) HAMILTON, Executive Director,
Northwest Sportfishing Industry Association
JULIE MORRIS, Protected Resources Subcommittee
Chair
GEORGE NARDI, Commerce Subcommittee Chair
DAVID WALLACE, Ecosystem Subcommittee Chair
PAMELA YOCHAM, DVM, Ph.D., Senior Research
Scientist and Executive Vice President,
Hubbs-Sea World Research Institute

NOAA FISHERIES STAFF:

WHITNEY ANDERSON, Policy Analyst, NMFS
PAUL DOREMUS, Deputy Assistant Administrator for
Operations of NOAA Fisheries
RUSS DUNN, Senior Recreational Fisheries Advisor
HEIDI LOVETT, Policy Analyst, NOAA Fisheries
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Acting Designated Federal Officer
JIM McCALLUM, NOAA Policy Analyst
DANIELLE RIOUX, Assistant to Russ Dunn
ALAN RISENHOOVER, Director, Office of Sustainable
Fisheries
HEATHER SAGAR, Acting Policy Office Director
EILEEN SOBECK, Assistant Administrator of NOAA
Fisheries

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1 P R O C E E D I N G S

2 (9:07 a.m.)

3 CHAIRMAN RIZZARDI: All right. Good
4 morning, everybody. I had to laugh. I actually
5 checked the weather reports before I packed my bags
6 and it was zero percent chance of rain every day,
7 right? And of course, you know, we're dealing with a
8 Nor'easter and all sorts of other fun. So got a
9 little wet last night, but my baseball plans got
10 rained out.

11 FEMALE VOICE: There's a double header
12 today.

13 CHAIRMAN RIZZARDI: That's right. Too bad
14 I'll be on a plane.

15 I also wanted to point out that over the
16 last two days we've been using the wrong terminology,
17 and kudos to Pam Yochem for picking up on this. A
18 couple years ago we created the rec fish working group
19 and that working group predated our newly modified
20 charter. But our charter refers to subcommittees and
21 explicitly distinguishes what types of subcommittees
22 are out there, and a working group is defined as a
23 group of committee members, whereas a task force
24 consists of committee members and outside experts.

25 So what we're talking about to be more

1 precise is a task force. So we're talking about
2 having a task force on climate change by the terms of
3 our charter. And I suppose we should be referring to
4 the rec fish group as a task force as well. If we
5 need to fix the charter, I'll leave that in NOAA's
6 capable hands, but I just wanted to point out that the
7 language of the charter is quite clear.

8 Now, that said, I've also been engaged in
9 some conversations with folks over the last 24 hours,
10 and as a committee, we have continuously gotten work
11 on aquaculture issues. They're constantly popping up.
12 But the reality is that we have a pretty small bench
13 of folks who do aquaculture on MAFAC, and the burden
14 is always falling on the same two or three members who
15 are here.

16 So just as we've now got the rec fish
17 working group, and now we're tackling -- or rec fish
18 task force, and now we're tackling a climate change
19 task force, I'd like to inquire from the members what
20 you would think about adding the concept of an
21 aquaculture task force, which would just be a group of
22 outside experts, mostly people like, you know,
23 hopefully Bill Dewey or Randy Cates, you know, folks
24 who have served with MAFAC and that are on the bench
25 and would be available to help us. It would be the

1 same set of rules. MAFAC members would have to be
2 working with them and anything they produced would
3 have to come through MAFAC before anything could be
4 approved, but there would be the possibility of
5 getting staff support from the Office of Aquaculture
6 from NOAA. We'd have more people to help out on our
7 issues and I think it would be a benefit to MAFAC, but
8 I'm looking to the membership for your suggestions.
9 The reason I raised the issue is we're going to start
10 this process of notices and recruiting people for a
11 working group or task force on climate change. We may
12 as well do it concurrently with the same process for
13 aquaculture if everybody is of that mindset.

14 So I open that first issue up to the
15 membership for comments.

16 MS. YOCHAM: Thanks. Thanks, Keith. I
17 support it. I think with all of the stuff that's
18 going on right now with aquaculture with the Gulf of
19 Mexico and continuing interest in NOAA and having
20 MAFAC's input into that process, I think it would be
21 helpful to have some additional expertise to call on.

22 MR. DYSKOW: Thank you, Keith. I agree as
23 well because my view on aquaculture, it's going to
24 happen to us or with us, it's going to happen. So why
25 don't we engage more actively in the process? This

1 would be a wonderful opportunity to do that.

2 MS. MORRIS: Just keep it small. I don't
3 think we need 20 or 30 people on a -- is task force
4 the right word at this point? Yes. Okay. So keep it
5 small. You know, fewer than eight or something like
6 that.

7 MR. NARDI: Well, you might guess that I'd
8 support that, so I think it's a good idea, and I also
9 agree with Julie. I don't think -- we don't want it
10 to be complicated with too many people and I think a
11 smaller group, maybe I'd say less than 10, but would
12 be easier to work with and more productive.

13 MR. WALLACE: Yeah, I agree. You know, I'm
14 a very large proponent of aquaculture and, you know,
15 the sooner we can make it move forward the better, and
16 if it requires -- because there's a very limited
17 number of people on MAFAC and we have no idea who the
18 new members are. But just even if all four of them
19 were aquaculture folks you still have a small number
20 of people for such a really large task and so having
21 outside experts advising you would be helpful.

22 MR. DYSKOW: Keith, has there ever in the
23 past been a MAFAC resolution encouraging the
24 advancement of aquaculture?

25 CHAIRMAN RIZZARDI: Yes, sir.

1 MR. DYSKOW: How long ago was that?

2 CHAIRMAN RIZZARDI: I recall one at the
3 Hawaii meeting.

4 MR. DYSKOW: Do you remember what it said?
5 Have we taken a strong enough position on the
6 expansion of aquaculture?

7 CHAIRMAN RIZZARDI: We've been a very strong
8 voice on that point on both a budgetary front and
9 policy front.

10 MR. DYSKOW: Great. Thank you.

11 CHAIRMAN RIZZARDI: How about a motion?

12 MR. WALLACE: I so move.

13 (Pause.)

14 CHAIRMAN RIZZARDI: So we do have a majority
15 and our charter doesn't define a quorum. I think
16 we're good to go.

17 MALE VOICE: Second.

18 CHAIRMAN RIZZARDI: All in favor?

19 (Chorus of ayes.)

20 CHAIRMAN RIZZARDI: Any opposition? Oh,
21 discussion. Sorry.

22 MR. CLAMPITT: Yeah. Well, what's the
23 motion exactly? To do what?

24 CHAIRMAN RIZZARDI: To have a task force on
25 aquaculture that would be a number of people less than

1 10.

2 MR. CLAMPITT: And how many task forces do
3 we have already? We have a task force, a recreational
4 task force. And now we're going to have an
5 aquaculture task force. I guess, you know, I don't
6 have a real problem with it under the task force, but
7 as a commercial fisherman here, and there's three of
8 us, we're starting to feel a little underrepresented.

9 I don't know. I mean, should we have a
10 commercial fishing task force too? I mean, how many
11 task forces do you want? Just up for discussion.

12 CHAIRMAN RIZZARDI: Dave?

13 MR. WALLACE: Well, surely a number of us
14 over the last six years have promoted the idea of
15 having a commercial fishing task force, and we talked
16 about that subject as recently as yesterday with
17 regard to a recreational task force, and I will just
18 use Paul's statement that the Magnuson Act actually
19 addresses commercial fishing. However, those of us in
20 the commercial fishing industry have always sort of
21 felt that the recreational task force got a lot of
22 attention and beat a lot of drums, you know, and the
23 three or four of us that are here are saying, you
24 know, but we're here too and we consider ourselves
25 important to the well-being of the United States. So

1 I'm sympathetic to Paul's comments.

2 MS. EDER: Good morning, Mr. Chairman. When
3 I first came on the committee about 18 months ago, we
4 had some I think e-mail or some discussion about
5 creation of a commercial fisheries committee, and my
6 understanding was that a committee, a new committee
7 would require a change in the charter because it
8 didn't specifically provide for that.

9 I do support -- if we're not going to change
10 the charter or have that discussion, to create a
11 commercial fishing subcommittee, then I would also
12 very much support creating a commercial fishing task
13 force. And I appreciate Paul's suggestion.

14 I think that there are a number of national
15 policy issues that are coming to the forefront, some
16 of which have been discussed here. And I think that,
17 you know, for example, yesterday cost recovery. And
18 although I don't know that all of you were interested
19 in all the, you know, particular details of a
20 particular region's situation, I think it would be
21 really helpful just using that as a -- it's a national
22 policy, but having a subcommittee -- excuse me, a task
23 force outside of this whole group that could gather
24 the experience, for example, on that topic throughout
25 from different regions in the nation, have an

1 understanding of what's going on throughout the
2 nation, and then bringing that issue forward to the
3 full MAFAC would I think be really efficient and
4 helpful to the overall process of giving advice to
5 NOAA, which is part of our task. So I would support
6 very much creating a commercial fishing -- I can't get
7 it straight yet. Task force. Thank you.

8 MR. CHATWIN: Thank you, Mr. Chairman, and
9 good morning, everybody. I just thought that -- so
10 first I'm in favor of task force. Just whatever theme
11 it is that it's focused on, I think expanding our
12 reach and gathering more input and experience into our
13 recommendations I think is a good thing.

14 It does seem to me that it's building on an
15 experience that we have and a positive experience.
16 This will have an impact on our role, you know,
17 because we will have to coordinate these task forces.
18 And it's not a bad thing. It's just something for us
19 to be aware of and to think about as we embrace this
20 new direction that it's going to be a lot more
21 coordination of a lot more people around the country.
22 And again, I'm just raising this because it's a
23 reality that comes with this new approach. And I
24 think it's a good thing. But we as members will have
25 to recognize that our role is going to change a little

1 bit and it's going to require more effort between
2 meetings.

3 I also again, just a thought. As we are
4 developing, and the idea of replicating these
5 approaches is good, but I think we need to have
6 some -- I would think it would be constructive to have
7 some consistency across the different task forces in
8 terms of the mix of expertise and backgrounds. You
9 know, for example, we'll want people from the
10 industry, but I think we'll also want enhanced science
11 experience, economists, for example. Whole industry
12 issues have economic issues that would benefit from
13 that experience, you know, so we might want to think
14 as a body whether there is some sort of structure for
15 these task forces that we would like to replicate
16 across them so that when we're getting input the
17 different types of questions that these task forces
18 may be asked will at least be battled around by that
19 mix of experience and knowledge.

20 MR. DYSKOW: I don't disagree with anything
21 Tony said. I just want to provide some insight on the
22 rec fishing task force. That was really developed
23 more at the request of NMFS than MAFAC, and it is very
24 much a tool that is used by NMFS because they want
25 that additional insight and information on

1 recreational fishing from a broad range of
2 constituents from every region. And I think with
3 aquaculture it was the same ask. NMFS said we need
4 help. We want a working group so that we can learn
5 more and implement faster in the area of aquaculture.

6 If we're going to have a commercial fishing
7 task force, is it in response simply to the fact that
8 other people have task force, or is there a need that
9 we're trying to fill? And I think that with
10 aquaculture there was an ask and there was a need that
11 we were trying to fill. And the same with rec
12 fishing. I would just want to make sure on the front
13 end that we knew what the ask and the need was before
14 we just form a task force.

15 CHAIRMAN RIZZARDI: Okay. Yeah, please.

16 MR. DOREMUS: In addition to that, for the
17 committee's consideration, I think stepping back and
18 looking at the role of task force functions typically
19 are shortish duration, project-specific. So you may
20 want to think about when you reflect on the purposes
21 of what you would want to achieve through a commercial
22 industry oriented task force, maybe backing up and
23 looking at how that could be achieved in a more
24 sustained way through a subcommittee or through the
25 activities of the committee as a whole. Or get it,

1 you know, refined to the point where you're doing some
2 specific task. Maybe it's a cost recovery type issue
3 that -- and so that overall the balance of tasks that
4 you're using in the task force machinery covers the
5 full spread of commercial and other functions and
6 areas that the committee is trying to maintain its
7 responsibility for.

8 So I just wanted to bring up the notion that
9 with this task force comes, you know, a beginning and
10 an end to where we've got a product and it's delivered
11 at a certain date.

12 CHAIRMAN RIZZARDI: I did have a couple of
13 quick points that I'd like to make just for the
14 committee's consideration. I'm well aware of the
15 dynamic of the request for a commercial committee,
16 commercial fishing committee, and I have started a
17 dialogue with the leadership about is that something
18 we can do in the future.

19 Also, I'll just use this moment to let you
20 know, since George is rotating off as chairman and
21 won't be serving anymore, I've asked Julie Bonney and
22 John Corbin to serve as co-chairs for the Commerce
23 Committee. And it was after consulting with George
24 and them. So we will have both a commercial voice and
25 an aquaculture voice who will be chairing the Commerce

1 Committee in the meanwhile. I recognize that there is
2 some appetite for a commercial committee. I'm open-
3 minded about that. It's just an issue I need to work
4 through with the NOAA leadership.

5 And also, if at some point in the future we
6 as a body find that there is something that we need a
7 task force on commercial fisheries issues, I think
8 that would be something for us to consider. The
9 reason I raised the aquaculture issue now is because
10 the folks who are working on the aquaculture issue
11 have been stretched. There's a lot of stuff that
12 keeps coming their way. John has been working very
13 diligently on a lot of comments, as has George. Bob
14 Rose has written many documents. They clearly needed
15 some help given the volume of stuff that was coming
16 through and that we have this rule that has been put
17 in front of us. So those were just the two comments
18 that I wanted to make.

19 MS. BONNEY: I guess I'm going to go back to
20 the discussion we had, the develop the task force on
21 climate change. And if you look in the annotated
22 agenda, there was basically a mission and a set of
23 tasks that was assigned to the task force so you could
24 see what the beginning and the end was. And so, if
25 we're going to develop an aquaculture task force, I

1 think we need to clearly define what the mission is
2 and what the tasks are.

3 One of the tasks, and I don't have the
4 language quite right, but was to develop a sample of
5 how you could do the permitting through the proposed
6 rule. So I would think that if we're going to move
7 forward with the task force we need to define what the
8 mission is and what the tasks are assigned to that
9 mission so you can see a beginning and an end for
10 that.

11 In terms of a commercial task force, I guess
12 we need to decide what the mission would be and what
13 the tasks would be. And at this point I don't see
14 something, but I agree with you that we would still
15 have the ability to develop a task force if there was
16 something particular that the commercial industry
17 needs to engage on.

18 So before I could support an aquaculture
19 task force I think we need to develop what the mission
20 is and what the tasks are that would be assigned to
21 that task force.

22 MR. CLAMPITT: Thank you, Keith. Well, I
23 guess I'm not that much in favor of adding task forces
24 personally. You know, nothing prevents us from
25 getting outside help as a group. I mean, when I get

1 done with this meeting I'm going to go back to Seattle
2 and talk to people there that I'm supposed to
3 represent and tell them what's going on here and, you
4 know, they can get involved if they want to.

5 I guess we're all competing for resources,
6 and the resources are finite. And I wasn't in favor
7 of the aquaculture -- I mean the rec task force that
8 they put together, and I didn't really care for the
9 output of what came up. And so, when I hear about
10 another task force, aquaculture, you know, I'm not
11 necessarily against aquaculture, but we also compete.
12 And it just seems like the commercial fishing industry
13 in this group is starting to kind of be pushed to the
14 wayside and I just want to make sure that we have
15 equal representation regardless of another task force.
16 And you can put a beginning and an end, but you're
17 getting more attention at the end of the day. And
18 we're starting to feel left out. So I'm not in favor
19 of more task forces. I think we could do the job with
20 what we have here and if we need help as a group, we
21 can get it. But that's my comment.

22 MS. EDER: When I first came on the
23 committee and went to the Commerce Subcommittee, I
24 thought commerce commercial fishing. And so my
25 experience was to be really surprised when I saw that

1 the Commerce Subcommittee, that its primary, virtually
2 all of its work was relative to aquaculture. So to
3 some extent I've kind of felt like a lost, you know,
4 lamb out there in this committee. Okay, lamb. Maybe
5 not. But --

6 (Laughter.)

7 MS. EDER: I'll never live that one down.
8 But I think it's great to hear. And George certainly
9 would have been absolutely open to any agenda item I
10 brought to the Commerce Committee. I could just see
11 the train going and, you know, it wasn't really for me
12 to interrupt that train at this point.

13 But with the appointment of Julie Bonney and
14 John Corbin as co-chair, I think that I'd feel very
15 comfortable then taking some of these national policy
16 issues to the committee, relying on Julie to help us
17 gather the information, develop an agenda, identify
18 some of the national issues, and get people discussing
19 them and then bring them back to the committee. So
20 I'm very happy with the structure suggested. Thank
21 you.

22 MS. YOCHAM: I have two comments. One is
23 that I think we have spent -- I can't add up the
24 number of hours or the number of topics, but with all
25 of the work on Managing Our Nation's Fisheries

1 conference and discussion, you know, commenting on
2 that, various aspects of that and comments on
3 Magnuson-Stevens, I think we have spent a fair amount
4 of effort, you know, thinking about fishing interests.
5 Maybe not as much as we should have or the committee
6 wanted to, but wanted to make that comment.

7 And then the second one was I'm wondering if
8 some of the angst about working groups and task forces
9 has to do with the fact that, as I understand it, when
10 the Recreational Fishing Group was created, it had a
11 sunset clause. It had a very specific thing it was
12 supposed to do, which presumably was to help NOAA
13 develop a recreational fishing policy. And it sounds
14 to me as if that policy is getting close to making its
15 way through the process, and yet I'm understanding
16 that there's no longer a sunset clause for the working
17 group or task force. And so I'm wondering if that's
18 part of the problem is that, as Julie Bonney
19 suggested, as long as we carefully define what the
20 task force is going to do and it doesn't become just
21 another MAFAC, maybe people would be more comfortable
22 with it.

23 MS. MORRIS: So, listening to the discussion
24 and all the great thinking that people are doing about
25 this, it seems like maybe it's a little premature to

1 establish an aquaculture task force, that we should
2 wait until we get a charge and a discrete task that we
3 want them to complete before we go ahead and establish
4 the task force. That's the sense I'm getting from
5 Tony and Julie and Pam's comments. And then the good
6 news about the commercial discussion we're having is
7 that the Commerce Committee seems like it's well
8 positioned to become the place for those kinds of
9 issues to be discussed within MAFAC.

10 I just wanted to add to the points that Tony
11 was making. It seems like we need to be careful that
12 we're not forming a bunch of little caucuses that
13 represent just one interest. It seems like the
14 function of MAFAC is to bridge across those
15 differences and keep the conversation open so that we
16 can get the viewpoints of people who aren't centrally
17 involved in that interest informing the discussion
18 about it. And I would hate to see this proliferation
19 of task forces become, you know, an embattled -- a
20 camp that was advocating just for one interest and
21 bringing that to MAFAC with the strength and support
22 of a bunch of outside strong voices, and that would
23 make it more difficult for us to do our bridging
24 across different kind of work that we need to do.

25 CHAIRMAN RIZZARDI: So I just need some

1 clarification on something. What is the time frame on
2 the aquaculture permitting exercise and the effort to
3 do a draft permit and put that through the Gulf
4 process?

5 MS. LOVETT: So comments on the proposed
6 rule are due by October 27. The other work is for the
7 springtime, I mean into the springtime and next year
8 because -- and particularly the -- let's see the goal,
9 because we wrote that down. Yes, it's in the charge
10 that is on the annotated agenda, and it was work for
11 going forward both from this time through the spring.

12 MS. YOCHAM: Thanks for that question. I'm
13 not sure I would say that I'm suggesting that it's too
14 soon to have an aquaculture task force. More that
15 maybe we modify the motion to make it very specific to
16 the charges that we got from NOAA.

17 CHAIRMAN RIZZARDI: Dave, would you accept
18 that as a friendly --

19 MR. WALLACE: Yeah, I don't have any
20 problems with that. I would accept that as a friendly
21 amend.

22 CHAIRMAN RIZZARDI: So then it would be that
23 we would have an aquaculture task force. I think
24 maybe the easiest way to do it is until the next
25 meeting, and then we could revisit it.

1 MS. YOCHAM: I'm not sure what you're
2 saying. I was thinking maybe Heidi could read what
3 the --

4 MS. LOVETT: Sure.

5 MS. YOCHAM: -- proposed amendment would be.

6 MS. LOVETT: Okay. So there was several
7 charges. The first was to review and provide comment
8 on the aquaculture proposed rule for the Gulf of
9 Mexico. The second was develop a mock-up description
10 of a commercial representative aquaculture project of
11 the type NOAA may be asked to permit under this Gulf
12 of Mexico FMP. The project description should provide
13 sufficient detail to allow for testing of the
14 coordinated permitting framework that's currently
15 being developed by the Regulatory Task Force of the
16 Interagency Working Group on Aquaculture, which is
17 Susan -- I'm forgetting her last name all of a sudden.
18 Susan Bunsick is an integral member of that and is
19 working on that herself.

20 The goal is to run this MAFAC mock project
21 through the draft coordinated permitting process which
22 that Interagency Group is expecting to complete in the
23 early spring. And then MAFAC can provide feedback and
24 suggestions to the task force to continue through the
25 spring.

1 The additional task that Mike Rubino spelled
2 out at the front end of his presentation was to review
3 NOAA's progress on implementing the Agency's 10-year
4 plan for marine aquaculture, which was produced in
5 2007, and provide input on priorities to include in
6 the strategic planning for the aquaculture program,
7 and their intent was for that to start at this point
8 in time and to carry forward.

9 MR. NARDI: Maybe it's because I'm new to
10 MAFAC, but I just don't see how the creation of a task
11 group or a task force, having a group of qualified
12 experts or people knowledgeable in the field sitting
13 on the sidelines to report through MAFAC causes any
14 problem. I don't see how that's a problem at all. I
15 mean, I find this whole discussion extraordinary. If
16 you want to have a commercial fishing task group, I'm
17 fine with that. If you want to have a lamb reduction
18 task group, I'm happy with that.

19 MALE VOICE: I just would agree. I think if
20 we looked at those charges, you know, with the people
21 that are going to be here trying to accomplish that,
22 what they're asking for, I mean, I can't and just two
23 or three of us can't offer Michael Rubino the feedback
24 on the 10-year plan because it's too broad and too
25 expansive. We need to reach out and get other people

1 to comment on that just as an example.

2 I also agree strongly with Tony's comments
3 that this group should be able to answer these
4 questions, so immediately a resource economist, you
5 know, that's versed in aquaculture should be on that
6 task force because that's the crux of this, is it
7 going to make sense for industry.

8 And so I like the idea of a small group. I
9 like the idea of a sunset clause. I too remember and
10 agree with Paul about, I was a little concerned when
11 the rec working group at that time as it was called
12 was formed because I felt, huh, you know, the pendulum
13 is swinging and we've got to sit there and fight for
14 everything we want, you know, but it's a tool that we
15 can use.

16 And I'd also say to Michele, when I was on
17 the committee, I was the lost lamb in the Commerce
18 subcommittee, you know, and it was all about
19 commercial fishing. But if there's only one person,
20 you know, the dice has to fall somewhere. So I think
21 the solution of a co-chair in preferably two
22 subcommittees would be great. But in lack of that I
23 think it's a great solution. But I do think a short-
24 term task force to address these charges makes a lot
25 of sense. Thank you.

1 MR. CHATWIN: Yeah, I agree. You know, I
2 think it's part of a new way of doing business for
3 MAFAC and I think we are charged with representing a
4 diversity of views and this is one way to make sure
5 that the views are those of the community as opposed
6 to just those of us in the room. You know, I think
7 there are growing pains that we will experience with
8 this new model. I think with the rec fishing group, I
9 think it was very successful, it is very successful.
10 But the dynamic of how the triangulation between that
11 working group -- it was called a working group and a
12 task force, and us and NOAA, I think those are things
13 that we can hammer out.

14 So again I'll reemphasize my support for
15 this model, and I have a couple of thoughts on what a
16 commercial working task force could look at. And
17 while there's the cost recovery issue, which I think
18 is a good one, I also think experimental fishing
19 permits as a way to foster innovation in U.S.
20 commercial fisheries because that is a tool that's
21 being applied around the country and there are
22 experiences there that we could look at and see if
23 there are any recommendations we could come up with to
24 make it even more effective. So those are a couple
25 that I could see.

1 MR. DYSKOW: I don't want to be repetitive,
2 but I think Tony is correct, this triangulation is
3 important. The ask for the aquaculture task force
4 came from NMFS. They want it. They need it. It's
5 not some draconian plot on the part of aquaculture
6 representatives on MAFAC. NMFS reached out and said
7 they needed some help, they needed some more resource.
8 And the same thing was true with the recreational
9 fishing task force. That didn't come from the
10 representatives at MAFAC or even the rec subcommittee.
11 I mean, MAFAC reached out and said we need help to do
12 this.

13 So I think there is a concern that these are
14 bad things, that there is people forming this
15 infrastructure to foster their own agenda. NMFS is
16 going to develop an aquaculture policy, an enhanced
17 aquaculture policy. They're going to develop an
18 enhanced recreational fishing policy. They've already
19 made that decision. They're asking for help. That's
20 all this is about.

21 CHAIRMAN RIZZARDI: Phil, I agree with your
22 sentiment. I just want to point out that what NMFS
23 has done is asked MAFAC for feedback on the
24 aquaculture issues. And what we're realizing is that
25 we're stretched. We only have a handful of people, so

1 the way the task force functions is they advise MAFAC
2 and MAFAC advises NMFS.

3 MR. DYSKOW: I agree with you in theory. In
4 practice I can speak directly to the rec fishing
5 working group. NMFS does use that as a tool and it is
6 a big challenge for MAFAC to oversee that. For
7 example, the three of us here have very little input
8 on the rec fishing task force. It's a NMFS tool.

9 So I think it's a real challenge for MAFAC
10 to oversee these working groups, and at some level
11 perhaps you have to decide how is that being done
12 effectively or not, and if it isn't, how can we change
13 that because it is, although it's a useful tool, it
14 can also be a monster if it isn't -- if the intent is
15 to have MAFAC oversee that, perhaps there would be a
16 better way to do it.

17 CHAIRMAN RIZZARDI: Okay. So I've taken
18 away from that the need for us to make sure that all
19 task force items continue to come through the body.
20 And certainly what I'm hoping would happen with this
21 aquaculture task force should we create one is
22 anything that comes out of that group goes through the
23 Commerce subcommittee, then comes to MAFAC before
24 anything happens. I'm not sure I would agree with the
25 entirety of the recreational fisheries group. I do

1 think at the end our body has reviewed those
2 documents. We can probably be more robust. We
3 probably need more resources on MAFAC as well. I
4 mean, the reality is we have 21 members on MAFAC and
5 we do what we can.

6 So that said, is there more discussion on
7 the aquaculture task force as limited, or do we want
8 to reframe the motion?

9 MR. WALLACE: Well, we agreed to accept the
10 proposed amendment to the motion and so, you know,
11 unless somebody feels strongly that it should be
12 reframed, then, you know, I think that the motion
13 stands.

14 CHAIRMAN RIZZARDI: Is there more discussion
15 on the motion? Julie?

16 MS. BONNEY: There's just one thing that's
17 not clear in my mind, and that is, is I think the
18 construct where you're developing a task force for a
19 particular mission and a particular charge is a
20 direction we want to go. And so now we would have
21 three task forces, and I guess my question is once
22 you've met the charge and the task, then the task
23 force is dissolved?

24 So, for example, for the recreational
25 subcommittee, once NMFS has developed a policy for

1 that, then is that task force dissolved and then you'd
2 recreate a task force in the future? Because in one
3 sense you could have a standing committee. In another
4 it's a short-term appointment process where you
5 develop an outside committee. And then once the
6 charge is finished, then that committee is dissolved.

7 And I think, you know, I think we need to
8 decide that here, whether we're going to continue to
9 have these as standing committees or whether once the
10 charge has been met that that committee is dissolved
11 and then in the future you could recreate a different
12 -- you know, you may decide that you needed a for hire
13 rec committee because you had a particular set of
14 issues that involved a subgroup of the rec community
15 or the service industry for the rec committee. So is
16 it to always have a rec committee, or is it a
17 subcommittee for particular tasks and then it goes
18 away?

19 And, I mean, it's a two-question. We've got
20 a motion on the table and I think we've been pretty
21 clear that it's for a particular mission and charge
22 and when that is completed then I would suggest that
23 that task force is dissolved versus leaving it as a
24 standing committee. So I think we need to be clear
25 about the time frame that we're talking about for

1 these task forces.

2 CHAIRMAN RIZZARDI: I think that's an
3 important comment, and I will make sure that for the
4 agenda on the next meeting that we revisit the scope
5 of the recreational task force, which I'm fairly
6 certain was charged at a minimum to help with the
7 development of the policy, which of course is still
8 underway, but with that coming near to an end maybe it
9 needs to be sunsetted. That's obviously an issue for
10 MAFAC to revisit and we can do that at the next
11 meeting.

12 I don't think there is any risk of us having
13 that committee exceed its task that it was given at
14 the time as of right now, but certainly by the next
15 meeting we can revisit the issue.

16 MS. BONNEY: So just to be clear then, on
17 this motion then, the aquaculture task force would be
18 created for these particular charges, and when those
19 charges are completed, then that committee would
20 dissolve or task force would dissolve?

21 MR. WALLACE: I think that that has always
22 been my understanding, you know, and it's a task
23 force. You have a task. When you complete the task,
24 your task is over. You know? It's pretty clear to
25 me.

1 CHAIRMAN RIZZARDI: So what we're discussing
2 to be clear is an aquaculture task force solely to
3 support the items that were identified on the
4 annotated agenda. Okay.

5 Yeah, I'm seeing no more discussion.
6 Question has been called. All those in favor.

7 (Chorus of ayes.)

8 CHAIRMAN RIZZARDI: Any opposition?

9 (No response.)

10 CHAIRMAN RIZZARDI: Okay. Motion passes.

11 All right. Thank you for a healthy
12 discussion. It turned out to be bigger than I
13 anticipated but very worthwhile. I'll make sure the
14 recreational task force issues are added to the next
15 agenda and we'll get working on putting together a
16 team to help us on the aquaculture issues.

17 So, Julie, would you be ready to tackle the
18 next issue of overfished versus depleted?

19 MS. MORRIS: Yes. So we talked about this
20 on Tuesday, and my sense is where we ended up was that
21 we wanted to support changing the word from overfished
22 to depleted but in a very -- we're just changing the
23 word. We're not changing any of the meanings or
24 benchmarks or anything like that, kind of way. And
25 so, if that was the sense of the group, I've revised

1 this MAFAC recommendation and we can see some of the
2 track changes are just editorial and updating because
3 things have moved on since June. And so, if you could
4 scroll down just to the recommendation part, Whitney,
5 the recommendation would now be that MAFAC recommends
6 changing the word "overfished" to "depleted".

7 Depleted encompasses the range of causes for
8 a stock falling below minimum stock size threshold.
9 Depleted also prevents confusion regarding the
10 difference between overfishing and overfished, a
11 stumbling block for those new to federal fisheries
12 management. However, the mere replacement of the term
13 overfished with the term depleted should not be
14 interpreted to alter the authority of NOAA fisheries
15 to regulate fishing activities.

16 And then we've deleted the rationale that we
17 had previously that was talking about why we were
18 taking no position on the word change and then did
19 some editorial changes just at the bottom. So that's
20 the revised recommendation if anyone -- I guess I
21 will -- is this a motion action kind of thing? I move
22 this as MAFAC's revised recommendation.

23 CHAIRMAN RIZZARDI: There's a motion. Is
24 there a second? Dave? Second? Okay. Discussion.

25 MR. CHATWIN: So my issue with this is with

1 the latter part of it. You know, it should not be
2 interpreted to alter the authority of NOAA fisheries
3 to regulate fishing activity. You know, that
4 authority comes from Magnuson as a whole. There are
5 very specific provisions in Magnuson that relate to
6 the term overfished and what requirements that
7 triggers. I think we need to be more specific about
8 this because you could change all of those rebuilding
9 requirements, all of the things relating to
10 overfished, and still not take away NOAA's authority
11 to regulate fishing activity.

12 CHAIRMAN RIZZARDI: Whitney, would you
13 please also scroll down to the other part because I
14 think the members should recall we were all in
15 agreement on not changing the definition of the term.
16 So what we're dealing with here is the semantic debate
17 over the word overfished versus depleted. But we had
18 it seemed a consensus on not changing the definition
19 and that we were against the proposed changes to the
20 definition.

21 MS. EDER: I have a comment on a different
22 section, or did you want only comment to follow-up?

23 MR. CHATWIN: So I'm not sure how that
24 addresses -- so that sort of reflects the will of the
25 committee, but the language is the language and that

1 is a different recommendation to the recommendation we
2 are considering now, so how do these two relate? I
3 don't understand what your comments are in relation to
4 the motion on the table, Mr. Chairman.

5 CHAIRMAN RIZZARDI: So I was just noting
6 that we did not want to change the definition of this
7 term. It wasn't intended to alter NOAA's authority.
8 But substituting the word depleted for the old word,
9 overfished, was something that we as a body were
10 debating and that's what this proposal was reflecting,
11 not changing the meaning of what that term reflects.

12 Julie?

13 MS. MORRIS: Yeah, I think we can address
14 Tony's concern by changing this, "Should not be
15 interpreted to alter the authority of NOAA fisheries
16 to regulate fishing activity." You'd like it to be
17 more specific to the, should not be interpreted to
18 alter how whether stock has reached the overfished or
19 depleted status changes in any way. Is that kind of
20 where you're headed, Tony?

21 MR. CHATWIN: Yeah, and the overfished
22 triggers some very specific rebuilding requirements
23 and some management actions. So maybe I think the
24 ideal solution would be that I provide language here.
25 I am reluctant to do so because this is potentially a

1 pretty sensitive issue. So, if NOAA could help defray
2 my concerns about how this is termed, that would be
3 helpful. Maybe that's unfair. But I'm concerned
4 about the specific actions that are triggered by the
5 term overfished and how we should maybe say that.

6 MS. MORRIS: So, Keith, maybe we should
7 table this, work out the language, bring it up later
8 in the morning.

9 CHAIRMAN RIZZARDI: I think that's fine.
10 Michele?

11 MS. EDER: Is there time now to make
12 comments on the other language in here since it's
13 going to be reworked again?

14 CHAIRMAN RIZZARDI: I think that's a good
15 idea.

16 MS. EDER: Okay.

17 CHAIRMAN RIZZARDI: Yeah, okay.

18 MS. EDER: I would like the sentence,
19 "Depleted also prevents confusion regarding the
20 difference between overfishing and overfished, a
21 stumbling block for those new to federal fisheries
22 management."

23 We had some of this discussion yesterday and
24 I understand that that may be some people's sense of
25 it, but I think you're speaking to a limited group

1 when you're talking about, you know, people not
2 understanding the difference between overfished and
3 overfishing, and it's not just a stumbling block for
4 those who are new to fisheries management. It's a
5 much broader picture when you continue to use the
6 phrase, whether it's overfishing or overfished, it
7 still references that it's fishermen's conduct
8 responsible for the stock change. And I don't think
9 that, for me, wanting to use the word depleted instead
10 of overfished is to specifically change and correct
11 the impression with the general public that it is the
12 acts of fishermen who are creating X problems for the
13 stock.

14 So I would like to just stay with earlier
15 language and remove that sentence of, depleted also
16 prevents confusion. I mean, okay.

17 MS. MORRIS: Okay. Well, we'll work on
18 that. Do I have to make a motion to table or -- okay.

19 CHAIRMAN RIZZARDI: We'll table that and
20 we'll come back to it. Tony, are you ready to discuss
21 SK, or did you have something else to add on that one?

22 (No response.)

23 CHAIRMAN RIZZARDI: Okay. We'll table that
24 one and we'll move on to the SK discussion. Tony.

25 MR. CHATWIN: Okay. Well, first of all, I'd

1 like to thank NOAA for circulating the information,
2 the priorities. I hope everybody got a chance to take
3 a look at them. I found them quite comprehensive and,
4 you know, as expected for the amount of money that
5 we've heard is going to be available through this
6 program, there are a lot of areas to cover.

7 I think it's great that we get an
8 opportunity to provide input at this stage given the
9 short notice, the short amount of time that's
10 available to put together this RFP and start moving on
11 that program. And as such, we were given an
12 opportunity to provide insights, reactions, or
13 suggestions.

14 So I would first go to the committee. I
15 have only two and they really are refinements under
16 the broader areas that have already been identified.
17 So, when the committee has had a chance to voice their
18 suggestions, I'll add those. Does anybody on the
19 committee have any thoughts or insights to share?
20 Pam?

21 MS. YOCHER: Just to agree with you that
22 there's a pretty big shopping list there for potential
23 proposals. But on the other hand, from what we heard
24 yesterday, this is going to be two years worth of
25 funding and it's expected that the level of funding

1 would be higher than in even perhaps the couple of
2 years before there was no SK funding. So, in other
3 words, there might be adequate funding to at least try
4 to begin addressing parts of all of these topic areas.

5 MR. CHATWIN: Thank you. Anyone else?

6 (No response.)

7 MR. CHATWIN: Well, then I'll have a couple.
8 And so again, you know, I think the areas and the
9 emphasis of maximizing fishing opportunity and jobs
10 and there's a good section on agriculture here. There
11 is one area on enhancing socioeconomics and I want to
12 get to that part. Sorry. Where is it? Oh, it's
13 there right at the beginning.

14 So just one suggestion. I think all these
15 points are great. NOAA has published I think it was
16 back in 2006 a document identifying fishing
17 communities around the U.S. and identifies something
18 in the order of 774 I believe communities, which I
19 find very useful in my work because that gives you a
20 unit to work with in terms of trying to understand the
21 impact of a grant program.

22 And one aspect of that effort that --
23 there's a gap in that effort. Not NOAA's effort, it's
24 just in the effort of trying to understand impacts of
25 grant programs, which is how do you measure the

1 contribution of those investments to the well-being of
2 the community? And there are a number of metrics
3 there. I know NOAA has expertise in this area, but I
4 think that there may be outside expertise that could
5 be helpful as well, you know, so I would just make the
6 suggestion that a bullet be added to seek proposals
7 that help develop metrics to measure community well-
8 being of fishing communities.

9 We have been doing a lot of research into
10 this and just what's published out there, and
11 community well-being is a very complex issue to
12 tackle. The first, maybe the most challenging, is to
13 define the community, but that has been done, so
14 there's work to build upon there. But there are
15 things like, things that I never expected like job
16 satisfaction being a very important metric of
17 community well-being. And then there is the economic
18 performance of the community, but there is also the
19 sense of cohesion within the community and how well
20 the community works together. Things like that that
21 are not just are we getting better profits from our
22 fishing enterprise, which if measured could provide a
23 baseline and then you could measure against that
24 baseline over time to see what sort of impact is
25 needed.

1 It may be too complex, I don't know. But I
2 have used grant programs in the past and requested
3 proposals to explore what is out there in terms of
4 knowledge and approaches that we may not have thought
5 of. And so this is one area where I thought it could
6 be an interesting addition to it, so measuring
7 community well-being.

8 And I don't know if anybody wants to comment
9 on that, or I could -- yeah, let's -- Julie?

10 MS. BONNEY: So I'm looking at the first
11 page. So you're thinking about that as a totally new
12 letter under number 1, or would you park it under B?

13 MR. CHATWIN: I'd park it under B as a
14 bullet. Any more comments on that? No.

15 Okay. So the second thought I had was --
16 and this is more of a thought rather than right now a
17 proposal to make it a bullet, and, you know, I don't
18 know if we want to make proposals to make bullets.
19 But one thing I have found again is that, as we've
20 seen with the SK program, grant funds are very hard to
21 come by and I think the horizon is looking brighter
22 according to what we were told in terms of this
23 particular grant program.

24 So what we've been thinking about where I
25 work is, how do we increase the impact or the reach?

1 How do we make sure that the projects that we fund
2 actually will have an impact or have the potential of
3 continuing independent of the grant money available?
4 And one way is to help prepare the recipients of
5 grants to access other types of funding once the grant
6 program is done and in particular financing, fisheries
7 financing. There are a lot of things like fisheries
8 improvements, operations improvements, capital
9 investments that if the financing is right and the
10 applicant has the capacity to access market financing
11 they wouldn't need a grant for.

12 And so what we have been doing with the
13 Fisher's Innovation Fund is to seek proposals to help
14 build the capacity of fishing businesses to access
15 market credit. And some fishing businesses don't have
16 the adequate financial statements, for example. It
17 might be as basic as that, to be able to demonstrate
18 to a potential investor or to a lender that they are
19 credit-worthy. And I know that the NOAA fisheries
20 financing program has such requirements. You have to
21 be credit-worthy, you have to have the right
22 collateral, and it all starts with your financial
23 statements. And even though fishermen are savvy
24 business folk, sometimes they need help to get their
25 house in order so that they could access credit.

1 So to cut a long story short, one of the
2 suggestions would be to include something like that.
3 And this could be a longer term, I don't know. But I
4 think a conversation with the fisheries financing
5 program and see what requirements they have of
6 applicants and seeing whether there is some capacity
7 building effort that could be supported through grants
8 to get fishing communities, fishermen and businesses,
9 to that level. I think that would be a worthwhile
10 addition and it would be in line with the spirit of
11 the SK.

12 MR. DOREMUS: I think that's a wonderful
13 recommendation. Thank you very much. We would
14 definitely I think benefit from having that kind of
15 review. One augmentation of your comment that I would
16 offer just in the interest of general awareness but
17 also acknowledging the broad range of communities that
18 members of the committee here are due to reach out to.

19 We have found over the years that there's
20 also great regional differences in the range and depth
21 and quality of the proposals we get at the grant phase
22 itself, and that is something we're not entirely sure
23 exactly how to deal with that. We made a concerted
24 effort to focus on the territories at the outset
25 because in prior years of SK funding very little to

1 none was going there because the quality of the
2 proposals didn't rank. So we in the 2013 competition
3 created a segment for science related to fishing in
4 the territories and have that here still, as you can
5 see.

6 But generally we still have a great deal of
7 variation in the number and quality of the proposals
8 coming from different parts of the country. So
9 benefitting from your expertise in this domain, we
10 welcome any recommendations from the committee or
11 individual efforts among members of the committee to
12 make sure people are aware of and can reach out to our
13 science centers in particular to register their
14 interest in SK and how their proposals could be most
15 competitive given the range of focus areas that we're
16 outlining here.

17 So I do think we have opportunities both at
18 the front end in summary to improve the grant proposal
19 process on a regional basis and then I think, as you
20 say, on the back end to provide better connections for
21 sustainable access to capital I think are ways that
22 this whole program could be improved.

23 MR. CHATWIN: Thank you, Paul. Anybody have
24 any comments or thoughts? Paul.

25 MR. CLAMPITT: I have a question.

1 MR. CHATWIN: Oh, Paul and then Keith.

2 MR. CLAMPITT: Thank you, Tony. Just a
3 question for staff. I read through this and I was
4 just looking at the improved cost-effectiveness and
5 capacity for observations, and I'm wondering can this
6 money be -- if you made a grant for a survey and you
7 came up with a better way to do a survey, can it be
8 used for protected resources, or does it have to go
9 back in -- because a lot of times, you know, the two
10 are, you know, tied. You're constrained by protective
11 resource, for instance, bowhead whales or sperm
12 whales, whatever. And often, you know, commercial
13 fishing might be constrained because of their possible
14 take. And the fishermen might say, well, you know, I
15 don't know why this is because there's a hell a lot of
16 these whales here.

17 And so the issue is that there's no money
18 for surveys or there's no method of doing a survey.
19 So I'm just wondering if you could apply for a grant
20 that would allow you to free up that money for a
21 survey, and then that way it would remove the
22 constraint. And I don't know if there's some kind of
23 conflict of interest there or something.

24 MR. DOREMUS: Well, in my view, I think
25 you're raising a very good question. We do have a

1 whole focus area on bycatch that comes somewhat close
2 to what you're talking about, but we'd certainly
3 welcome -- you know, the section on observations as it
4 is written is very, very focused on fishery related
5 observing. And I think you're making an observation
6 that could lead to some potential changes in the
7 language here. So we would accept that as a
8 recommendation. But I do want to note that some of
9 the interaction related questions that you raised were
10 intended to be covered in the segment on bycatch,
11 which has been a longstanding focus of SK; that has
12 been in prior years and it's been an area where we've
13 always encouraged, particularly from the fishing
14 community with the direct experience and direct
15 relevance of technology, development, and
16 implementation. We think this is a very good vehicle
17 for that type of thing.

18 So I think we get some of it, maybe not all
19 of it, and we'd welcome language particularly in the
20 observing section that might make it broader.

21 MR. CHATWIN: Keith, and then Randy.

22 CHAIRMAN RIZZARDI: So due to the *Federal*
23 *Register* publication deadline for the comments on
24 aquaculture we're already in the process of planning a
25 committee meeting for sometime in late October. Would

1 the timing of that still coincide with being able to
2 provide more formal comments on this document as well?

3 MR. DOREMUS: That would be too late, I'm
4 afraid.

5 CHAIRMAN RIZZARDI: That would be too late?

6 MR. DOREMUS: Yeah. The solicitation, the
7 grant solicitation when it is put out will include the
8 priority statements made here. And again, that
9 doesn't mean the work of the committee could not be
10 put towards future competitions as we talked about
11 yesterday for FY '17 and future years. So this is not
12 a one-shot deal. It's very time-constrained for the
13 next competition where we're merging the '14 or '15
14 competition years.

15 MR. FISHER: And, Paul, I was curious, there
16 was language in the last appropriations bill that sort
17 of put a circle around how SK money could be spent.
18 Based on that, what's the process for deciding which
19 of these grants actually get funded? Is it an
20 internal thing, or how does that work?

21 MR. DOREMUS: That's a good question, Randy,
22 and I'm afraid my answer is going to have to be a
23 little bit long because it's a complicated issue. SK
24 is a component of a larger fund called a promote and
25 development fund that comes off of tax receipts from

1 imported, largely seafood but a lot of other products
2 as well. Congress makes a decision every year what
3 portion of promote and development goes towards
4 Saltonstall-Kennedy grants, and that's the portion
5 we've been talking about here and I'll get to how the
6 allocation within the priority areas gets done in a
7 second.

8 But it's a congressional decision what to do
9 with the entirety of the promote and development fund,
10 and for many, many decades Congress has used the bulk
11 of those receipts to offset our operations research
12 and facilities funds. Up until a few years ago, until
13 2012, there was no focused attention by Congress on
14 exactly how those resources were used when they were
15 applied to our ORF funding. And part of the language
16 that you're reading about is making sure that that
17 portion gets used for promote and development-like
18 activity. And since FY '12 we've been tracking and
19 reporting on exactly how that happens. So there's
20 four PPAs that we fund through the promote and
21 development receipts that are consistent with the
22 promote and development and build right out of the
23 promote and develop account language.

24 So we have alignment on that piece. And
25 then in Saltonstall-Kennedy there is broad direction

1 and guidance on that grant process that's very
2 detailed, we could get into later. But the way that
3 we handle the priorities is by including these in the
4 national solicitation. It's a competitive grant
5 process that has run on a regional basis. And under
6 the provisions of SK it is first and foremost a full
7 up competitive grant process. So we don't sit in
8 headquarters and pick and choose based on what we like
9 and don't like. These things get a numerical score
10 and we go down the list until there's a cutoff,
11 although we do look for two things primarily. One is
12 regional balance, and this is where the number of
13 grant proposals makes a difference. So we look for
14 roughly the same percentage of proposals that we
15 receive getting funded in each region.

16 So, if we got 10 proposals in one region and
17 100 in another, there would be a larger number funded,
18 but it would be roughly the same percentage in each
19 region. So we look for that kind of balance. And we
20 also look to make sure that there's balance, rough
21 balance across these areas, you know, in each of the
22 priority areas. These are four major areas. It's in
23 part why we have it binned because it's -- when I say
24 balanced, we just want to make sure we don't have 100
25 percent in one category and nothing in another. We

1 don't have numerical targets, but we want to make sure
2 that the broad intent of the solicitation is being
3 served. So in each of these four categories, it's not
4 like we're looking for 25/25/25. We're looking for
5 the most competitive proposals to be funded, but we
6 want to make sure that they're spread at least
7 reasonably across these funding areas.

8 When we did the proposal process last year,
9 it turned out that those conditions were met through
10 the competitive selection process and we did not
11 change anything. We just went right down the
12 numerical list and stopped when the money ran out.
13 And that's how it was done. There was no modification
14 from a national review perspective.

15 MR. CHATWIN: Pam.

16 MS. YOCHER: I don't really have anything to
17 add. I think that combination of the sort of
18 competitive science technical review and then making
19 sure that it meets the national and regional
20 priorities seems to be pretty standard for other
21 programs of this kind. You want to have the best
22 science or the best ideas, but then you also need to
23 make sure that you're somehow balancing, you know, the
24 needs. And as long as you're transparent about what
25 those are, like you've just said, your balance among

1 the topic areas is loose. So, in other words, you
2 don't set a target of trying to make sure that there's
3 the same proportion of proposals that are submitted as
4 funded say in the observation section. So that's
5 maybe a more subjective metric versus the other one
6 where you're looking at regional balance where about
7 the same number or about the same proportion as
8 submitted are funded. I think that's important, to
9 make sure that that's transparent would be the only
10 thing.

11 MR. CHATWIN: Thank you. Michele.

12 MS. EDER: We were funded for SK money about
13 15 years ago doing some collaborative research with
14 the scientists from UC Santa Cruz on Sable Fish
15 tagging in terms of doing some stock assessment and
16 looking at the movement of the stock. And great
17 experience, but one of the things I learned then and
18 one of the challenges in SK funding, and I hear what
19 you're saying about the quality of the proposals
20 varying throughout the regions, is in my experience
21 how important it is to have university partners or
22 science partners because it's a complex process. I
23 mean, I'm no slouch, but coming to the table when it's
24 a grant application to the feds, I want to turn it
25 over to somebody who's really got the explanation. We

1 might have the ideas about what we want to look at and
2 what we want to research.

3 And I have to say, when working with the
4 university partner, which I think much more enhances,
5 you know, the quality of the application, there's
6 always a challenge relative to money because as many
7 of you have probably either been funded by SK before
8 or work with the universities is generally there's
9 about at least a 30 percent overhead take of what
10 you're applying for to begin with. And that's a
11 challenge. As you look at how you're going to spend
12 your money, you know, what you want to get to in order
13 to get that quality of application, you're almost
14 always going to be also looking at, you know, at least
15 30 percent to 40 percent overhead.

16 So I guess, you know, the answer to that
17 sometimes is you just raise your budget to
18 accommodate, you know, for both of them. But in terms
19 of looking at the process, just a general comment on
20 it. That's important too to recognize.

21 So I guess the end of that would be to the
22 extent that the program itself can support applicants
23 in finding good partners to work with, you know,
24 people from the fishing industry who may not be
25 accustomed to working with those partners, if there's

1 a way of the process to support that, you're going to
2 get better quality applications I think overall and
3 hopefully, you know, more focused or better research.
4 I don't know how you do that in the process, but I
5 think that we'll get better results in the long term.

6 MR. CHATWIN: Thanks, Michele.

7 MR. DOREMUS: Thank you for those comments.
8 I think that that is a need. I think you make a very
9 good observation about what the benefits of
10 partnership in this territory are, and we'll give that
11 due consideration as far as how we might be able to
12 make that general experience and range of possible
13 options available to people as we put out information
14 on a regional basis.

15 MR. CHATWIN: Anyone else with comments on
16 the SK priorities?

17 MS. BONNEY: I'd like to make one.

18 MR. CHATWIN: Okay. Julie?

19 MS. BONNEY: I have one passion and I've
20 talked to several economists over time and I don't
21 know where we could plant this or whether people would
22 support it, but the definition of working waterfronts,
23 many folks always evaluate the definition of a working
24 waterfront in terms of excess of value, wholesale
25 value, trips sold, and the recreational sector. And I

1 would like to see the economic world look at things in
2 terms of volume because I think on a service sector
3 side, when you're looking at shipping or what jobs,
4 there's a tradeoff between the value of a fish versus
5 the quantity of fish that's landed through a port.
6 And I don't think that it's ever been well understood
7 in the science arena or, you know, in terms of what
8 the amount of fish that you have going through a
9 fishing port is in terms of impact within a community
10 and the waterfront that you're creating, whether it's
11 the shipping piers, the infrastructure in terms of
12 processing labor and all those type of things.

13 And so to try to rethink economic metrics to
14 take into that construct impact of volume within a
15 working waterfront. So I think you could plant that
16 under B, and then it's just coming up with the right
17 terminology. And I've had discussions with several
18 economists at the Alaska Science Center and they
19 basically said it's a good priority, but at this point
20 they've never really thought about trying to change up
21 the way they think about that kind of a metric.

22 MR. CHATWIN: So just a clarifying question
23 on that. When you say considering volume, are you
24 talking about the scale of the working waterfront
25 that's needed? Is that what you're --

1 MR. NARDI: I would just, I think, because I
2 was going to follow on with just a quick comment that
3 because if there's a volume but it might be lower
4 value, you have more volume or weight, more kilos that
5 have to get transported in trucks and ice and all of
6 that adds up. So a lot of volume has the multipliers,
7 you know, also has larger multiplier effects, and I'm
8 not sure if that's what you were getting at, but it's
9 the -- you know, I would even jump in with -- you
10 know, because you've got stuff going back out. You've
11 got all the nets and the gear and everything coming
12 across. And in aquaculture you might have millions of
13 dollars of fish coming across the dock, but you've got
14 millions of dollars of feed also going out the dock.
15 So, when you start adding up all of the value that
16 crosses the dock, you know, then, you know, that gives
17 you a better picture of the value of the working
18 waterfront. So I'm not sure if that's what you
19 were --

20 MS. BONNEY: Right. And I think that -- so,
21 in some cases, you need the docking and the
22 transportation and those structures to support all the
23 other fisheries within a community, but if you don't
24 understand the impact of those volume pieces, then
25 you're not really defining the exchanges that those

1 create within a community. So, for instance, water
2 usage for a community, electrical usage for a
3 community, the transportation structures that you
4 need, the packaging that comes in for the labor in
5 terms of the processing sector. So it's just a
6 different way of looking what an impact on a working
7 waterfront is versus the number of dollars that are
8 going through in terms of taxing and wholesale value.
9 So I just think it's a new way to think about fish
10 economies.

11 MR. CHATWIN: I'm trying to think of a way
12 to capture that in a sort of bullet-like language.
13 But, you know, it has to do with sort of the economic
14 valuation of working waterfronts and the impact on
15 associated communities, or is that what it is? Would
16 that capture that? Because here what we're saying is
17 somebody come and submit a proposal to refine that,
18 right? To deliver on that sort of priority. And so
19 we just need to term it in a way that would do that.
20 I don't know if maybe you have what you need from that
21 discussion.

22 MR. DOREMUS: So I captured some notes on
23 that just in terms of alternative metrics for
24 understanding economic performance I guess you could
25 say at the waterfront. I also just wanted to offer

1 that while we could possibly amend B, and I think that
2 is for socioeconomic aspects of fisheries, I think
3 there and possibly even in the prior one on community
4 based bridge plans and there's this discussion of
5 shore-side services and things of that nature, I think
6 that it would be consistent with that type of focus
7 area as well insofar as it's really oriented towards
8 the economic conditions in fishing dependent
9 communities.

10 The other thing I wanted to say is I think
11 it's a very good observation for us generally in our
12 socioeconomic work and, you know, duly noted as far as
13 what you are advocating and talking about and we can
14 take that back to our own research and socioeconomic
15 research community and I'll be talking with them about
16 how they view these types of core indicators.

17 MR. CHATWIN: Julie, thank you. Anybody
18 else have anything to offer?

19 (No response.)

20 MR. CHATWIN: Okay. Seeing none, I'd just
21 like to thank you again for the opportunity to comment
22 on this round and I think as the program progresses we
23 look forward to continue this engagement. Thank you.

24 CHAIRMAN RIZZARDI: Okay. Tony, thank you
25 for leading that discussion and for engaging in the

1 document like you did, and thanks again to NOAA for
2 giving us the chance to do that. I know it was tight
3 time frame, so, everybody, appreciate the extra
4 efforts.

5 It is 10:30. We've been going strong for a
6 little while. Let's take a 15-minute break, reconvene
7 at 10:45.

8 (Whereupon, a brief recess was taken.)

9 CHAIRMAN RIZZARDI: And I'm going to take
10 the agenda out of order because we are going to try to
11 accommodate the schedules of some of our subcommittee
12 chairs. So we're going to get a report from George on
13 behalf of the Commerce Committee and then from Phil on
14 behalf of the Rec Committee. So, Phil. Or George
15 first.

16 MR. NARDI: Thanks, Keith. I didn't know if
17 you wanted to put the report up or I could just review
18 it.

19 MS. ANDERSON: If you can email it to me
20 right now, I can put it up.

21 MR. NARDI: Okay. Okay. It's on the way.
22 I think earlier we heard of what the three charges in
23 the annotated agenda were given to the subcommittee,
24 and based on the limited time available and with the
25 availability of the NOAA Aquaculture office staff we

1 spent that time in light of the upcoming rule and
2 desire for comments from MAFAC, we spent our time
3 discussing the proposed rule and reviewing some of the
4 key issues that we could in the time allotted that may
5 be a roadblock to implementation and operational
6 and/or competitiveness for industry.

7 In preparation for the meeting I received
8 comments from two of the MAFAC aquaculture
9 representatives that were unable to attend. They had
10 sent me some written comments. And I also had
11 received comments from the group that Michael
12 mentioned yesterday, CUSP. Members present at the
13 meeting were myself, Dave Wallace, Julie Bonney,
14 Michele, and NOAA staff, Michael Rubino, Susan
15 Bunsick, Bruce Morehead, and Whitney Anderson. And by
16 phone, Ted Ames and John Corbin.

17 Much of our discussion was focused on
18 clarifying some language and understanding the
19 construct of the rule within the framework of MSA. I
20 would just state that while familiar with MSA, those
21 of us in the aquaculture world are much less familiar
22 than those operating in commercial fisheries, so some
23 of the language and the nuances appear strange. So
24 some of these comments reflect that as well, trying to
25 figure out why. I mean, there were a number of

1 responses or comments of why. And I'll get to that in
2 a minute.

3 So the major points of discussion if you'd
4 like to scroll down, Whitney, the first issue was the
5 permit time frame and renewal language. The current
6 proposed time frame of 10 years, the initial permit,
7 and the five-year renewal blocks thereafter. In
8 general, all of the comments received from MAFAC
9 members in aquaculture and from CUSP felt this was
10 just too short in light of a number of things,
11 including the fact that it's still not clear the
12 permit process from other agencies and how that timing
13 affects the permit here through NOAA and therefore
14 when you could start to put gear in the water.

15 So the other important aspect of this was
16 the renewal language. So, if there is a 10-year
17 initial time frame and then for renewal the permit is
18 opened, what's the extent of that renewal, how much
19 time does that take? Are you open for a complete new
20 set of terms and conditions and monitoring
21 requirements and then you get a five-year renewal? Or
22 is it a 10-year time frame and as long as you're in
23 compliance with your permit, in essence, the renewal
24 is a formality and it's automatic if there's -- you
25 know, if you've been monitored all along and you have

1 no problems, it's just submit that you wish to keep
2 going. If there are no substantive changes on your
3 end, it's automatic. Regardless, that five years
4 seemed a bit small, so things were discussed, anything
5 from a 10 and a 10 to a 20 and longer. But it was
6 clear this needs to be fleshed out, and our
7 recommendation would take some form of increased
8 renewal time frame.

9 The permit fee was discussed and in
10 questioning the NOAA staff they believe that the fee
11 was based on how much staff time would be involved in
12 reviewing a permit application, not necessarily
13 managing or administering the program. For those of
14 you that -- just to give you what that was, it was
15 basically \$1,000 a year, so the 10-year initial
16 permit, the fee was \$10,000, and if it were five
17 years, it would be a \$5,000 renewal fee. Presumably,
18 if it were a 20 and 10 as an example, it would be
19 \$20,000 and \$10,000 if you followed the same logic.

20 So I just want to step back. What was
21 highlighted there is the renewal process language
22 needs to be tightened up and clarified. So what I am
23 going to get to at the end of this is asking if we
24 could get from NOAA, and this is something that we
25 discussed in the subcommittee, and Michael Rubino said

1 they could provide us this, but asking before we take
2 our next step as a subcommittee that they could
3 clarify this language. Can you just spell it out in
4 layman's terms, what the renewal process is, and can
5 you tighten that up? It was a big vague.

6 The third issue here regarding the culture
7 species, there was quite a bit of discussion in the
8 preamble regarding that the species come from the site
9 from a population or subpopulation where that facility
10 is located. This needs to be clarified. Depending on
11 the species it could be a fairly migratory species or
12 it could be a sedentary species. The same species may
13 be in other parts of the Atlantic Ocean, not just the
14 Gulf. Is it or isn't it the same population? So I
15 think this needs to be tightened up and we need to
16 clarify the language and I think that's something we
17 would ask first if NOAA were to take a crack at that,
18 and then the subcommittee would follow from there.

19 If the intent is to avoid the culture of
20 exotics or those populations of the same species that
21 are not found in the Gulf of Mexico, then that should
22 be stated or referenced. I think it's just language
23 is important and we just need to be clear. I think no
24 one wants to be culturing in exotic or non-native or
25 nonindigenous species, whatever terminology is there,

1 but it's just vague at the moment and the risk of
2 potentially choosing a fish for brood stock and
3 running into a problem is too great without the
4 specificity or a little more elasticity in where that
5 fish comes from.

6 The next issue on the allowable aquaculture
7 species, the rule states, "Only the following
8 federally managed species that are native to the Gulf,
9 are not genetically modified or transgenic may be
10 cultured in an aquaculture facility in the Gulf EEZ."

11 There is a fairly big problem with this and
12 it has to do again with definition. In the preamble,
13 the common and necessary aquaculture practices would
14 now be considered as GMO, including ploidy, so as an
15 example, triploid oysters, selective breeding. So
16 anyone trying to grow a fish that doesn't get as sick
17 and use that for brood stock, or if you're trying to
18 grow a fish that grows a little faster so you can be
19 competitive on the international marketplace, common
20 practices that other countries, most companies, and as
21 an example USDA, work on for salmon, would not be
22 allowed. So this would set the industry back,
23 including the use of hormones for brood stock to
24 induce spawning. Not for the food fish, just for the
25 brood stock. It's a common practice. Simply put,

1 it's a nonstarter as all agriculture and aquaculture
2 must practice selective breeding to enable growers to
3 select individuals that will yield a stock that is
4 more healthy, reducing dependence on antibiotics,
5 better converters of feed to reduce demand on forage
6 fish and feed, as a result a more competitive industry
7 on a global basis.

8 There must be language that allows for
9 micro-satellite marker assisted selective breeding,
10 ploidy, and assisted reproductive technologies, such
11 as the use of spawning hormones. So this is a big one
12 and in the preamble it talked about FDA definition of
13 GMO and other types of definitions. So it was
14 actually, if you just read that document, you weren't
15 sure where you stood. And I think this needs to be
16 clarified. Either we say we don't allow transgenics,
17 which is very clear, and everything else is okay. Or
18 we say what is allowed. But that has to be clarified.

19 The production cap. So MSY, OSY, here the
20 issue isn't that 62 million pounds is a small number
21 or a big number or 12 million pounds for any one
22 entity is a small number or a big number. It's the
23 fact that why. You know, it hasn't even started and
24 we have a cap. Now we understand why. We understand
25 it's the Magnuson-Stevens and we have to have an MSY

1 and OSY. So therefore I think we need to make it
2 clear, and the NOAA staff did, they did point out that
3 there is language at the end of the rule that shows
4 that there's framework for increasing this number.
5 But I think we need that -- in the rule that has to be
6 a little more -- and if we can translate that into
7 layman's terms, you know, what's the process.

8 If you read it now, it seems as though it's
9 going to be 12 million pounds for a company ad
10 infinitum and there's little incentive for someone to
11 come in and spend 10 or \$20 million developing a
12 project and their reward is a 12 million pound
13 project, period, end of story because there's some
14 fancy language in here about frameworks and MSA that
15 people in our world don't understand.

16 So it's going to cause a lot of grief if it
17 isn't explained that, you know, this is a starting
18 point and if everything proceeds the ability to
19 increase will not take a huge effort. It's simply,
20 you know, what's the process? Does it have to go to
21 counsel? Can NOAA say everything is okay? Let's
22 raise the number up. What happens if we have three
23 companies out there, two of them are happy as can be
24 with 10 million pounds and the other one is at 12 and
25 wanting to push forward, and you have a surplus that's

1 not being used? Is there a mechanism for someone to
2 take after so many years because there's no more
3 entries, can he capture some of that additional volume
4 to grow, or is he stuck?

5 So that's difficult to get your head around
6 if you're not from that world, but I think if it were
7 explained clearer, I think it would be more
8 acceptable.

9 Issue, time frame to get gear in the water,
10 fish in the water; currently two to three years
11 respectively. Again, this has to do with the permit
12 timing. Is the NOAA permit the last permit or is it
13 not? Do we need to get the NOAA permit first so we
14 can get NPDES and the Corps permits? I think that
15 there was concern from commenters about that process.
16 Nevertheless, the clock should start ticking when all
17 permits are in hand, not just the NOAA permit. So
18 once all the permits are in hand, that's when the
19 clock should start ticking because no one can do
20 anything until that's taken care of.

21 And it's felt that initially that two and
22 three years might be a little restrictive. You know,
23 can we bump that up a year? So that was the flavor,
24 at least a year. I think everyone would be happy with
25 four years, but even if it were three and four years

1 it would just give a little more breathing room to
2 work out the details of moving the gear out and
3 arranging for stock and hatchery production.

4 There seems to be -- and again, during the
5 meeting Keith brought up the fact -- I didn't see it,
6 but brought up the fact that there would be a need as
7 it stands now that once a permit was written there
8 would be a comment period for that draft after that
9 permit is written, a public comment period that NOAA
10 would have to respond to.

11 And this seems a little backward compared to
12 most of the permits that I'm familiar with at various
13 state levels where the public comment period is during
14 the application. After, you know, an applicant has
15 submitted something, then the public and various
16 agencies get to weigh in, and then the applicant gets
17 to respond, and then the period is closed and then the
18 permitting agency takes all that into consideration
19 and drafts a permit, but it doesn't go back out after
20 all this for another comment period. So that's a
21 concern.

22 There was some language about the minimum
23 distance proposed between sites of 1.6 miles. I don't
24 think there was a lot of heartache over this, but it
25 was again one of those questions, why? Where did this

1 number come from? Is this a buffer zone? But if it
2 was based on biosecurity or trying to avoid
3 interaction between sites, then you have to know a
4 little bit more about the currents and have that data.
5 So there should be some language in there that allows,
6 if it's known, if there's knowledge and data that's
7 known regarding the currents, you don't necessarily
8 want to be -- you might want to be more than 1.6 miles
9 away, so I think this is a minimum number, but if
10 there is no downstream effect and for some reason you
11 were 1.1 mile apart and that knowledge is known, then
12 that shouldn't be an issue. And that's a common
13 practice, for example, in New Brunswick where they've
14 studied the currents and they have sites that are
15 close to each other, but now with knowledge of the
16 currents, they can adjust sites better.

17 Exclusive use of the site, next issue. The
18 language needs to be clarified and there's a few
19 reasons. One is yes, the permit is giving exclusive
20 use to the operator, to the company, and the
21 responsibilities that go along with that. But there
22 was a number of issues or a number of opportunities
23 that crop up. If from personal experience we would --
24 you know, we were operating in the same community as
25 lobstermen at a farm I operated at, and we welcomed

1 them to put their gear on our site as long as they
2 understood where the lines were and, you know, they
3 didn't interfere with us and we didn't interfere with
4 them, and they became an advocate for our operation
5 and additional ones.

6 John Corbin was concerned that in Hawaii
7 they could develop some ancillary income from
8 ecotourism, people wanting to come out and see what's
9 going on out there and visit the site. And those
10 types of things aren't really covered under Magnuson
11 and there's not the language for that, so how do we
12 address that? So that needs to be clarified a little
13 bit.

14 That was about the time we had, but I wanted
15 to share with you based on the comments I received a
16 couple of the other issues. One had to do with brood
17 stock fishing. There is language in there that, you
18 know, you need to give 30 days' notice of when you're
19 going to go out fishing. But I'm hoping -- it would
20 be to interpret that as fine to give 30 days notice or
21 even more, but it shouldn't be for a fishing window.
22 There's no way of telling, you know, if 30 days from
23 now the weather is going to be cooperating, that there
24 aren't other problems with the boat you've chartered
25 or hired. And in other jurisdictions where they do

1 this they typically would give a window so you know
2 that for a period of two weeks or a month during that
3 month you will do your brood stock fishing, and at the
4 end of that month you will report the results.

5 But to leave it as, you know, 30-day notice
6 of when you're going to go, it's virtually impossible
7 to predict if you're able to do that and what does
8 that mean. If it's two days before you find out a
9 storm has moved in and it's going to be clear in four
10 days, do you have to go through this process because
11 you won't be giving 30 days' notice.

12 Along the same vein with timing, there was a
13 72 hours notice of landing your harvest, and a 6 a.m.
14 to 6 p.m. window proposed. I think it would be a
15 little more comfortable if that were pared down
16 because, you know, you might harvest markets, they
17 might say, okay, let's get out there and harvest and
18 give a couple of days notice. I think that that
19 should be plenty of time for enforcement authorities
20 to meet the harvest vessel. I had to do this in
21 Massachusetts when I was bringing down undersized live
22 cod because they were cultured, and I had to give the
23 enforcement office a call 48 hours before and if they
24 chose they could meet the vessel at the dock. No one
25 put any time on that. You know, if I wanted to show

1 up at 3 a.m., that was fine. If I wanted to show up
2 at 3 p.m., that was fine.

3 The problem that gets to this is that
4 depending, again, on weather and markets, just because
5 it's dark out doesn't mean the vessels don't work or
6 the port or the pier doesn't work. So if you're
7 harvesting -- if you have a market for live fish and
8 you're bringing those fish in and they have to get to
9 Atlanta by a certain hour, you start at 4 a.m. I
10 mean, we would usually load our tanks going out to the
11 farm at 3 a.m. to get to the pier so we could have a
12 whole day. So putting this window in here seems a bit
13 arbitrary, and depending on the time of day it could
14 certainly still be quite light out at 6 p.m. or at
15 5 a.m.

16 The next issue, the size being twice as
17 large as the combined area of the aquaculture system.
18 Again, there was a why. What was the rationale behind
19 this? If it was fallowing, it's insufficient. A
20 better practice would be to permit two sites so that
21 areas could fallow. If the site is deep enough and
22 large enough and the current sufficient and it's
23 properly permitted, there may not even be a need for
24 fallowing because of those conditions. So it was a
25 little, you know, why. You know, can we ask for more

1 than twice the size? Or if it's a really nice site,
2 it will accommodate the gear. Isn't that good enough?
3 Why did they have to be twice the size?

4 So there were many little other comments,
5 but these were ones that there were multiple comments
6 came in or that we brought up in the discussion. I
7 think a lot of it is addressed with clarification of
8 language, and so what I'm asking for from the
9 subcommittee is understanding that we are looking to
10 have a conference call to boil this down into a series
11 of discrete recommendations. Before we do that, if
12 the NOAA Office of Aquaculture could help with some of
13 the language clarification where highlighted, that
14 would help us in our discussion on the conference call
15 so that we could put together a more succinct
16 recommendation for the full committee to consider
17 before October 24 I guess.

18 And then I just put on here that we also
19 recommend, you know, the conference call and the
20 continuing charge for the mock permit process once we
21 have put together our recommendations for the future
22 MAFAC work.

23 CHAIRMAN RIZZARDI: So, George, just to be
24 clear for the membership, first thank you. I think
25 these are really comprehensive notes from the

1 discussion. But I want to make sure for everybody's
2 sake you're not asking MAFAC to approve this language
3 today.

4 MR. NARDI: No. No.

5 CHAIRMAN RIZZARDI: What's going to happen
6 is the subcommittee will reconvene, you will chew on
7 this some more, hopefully get in a dialogue with some
8 of the NOAA staff people, and then for late October we
9 will have a teleconference meeting where MAFAC would
10 approve comments.

11 MR. NARDI: Right.

12 CHAIRMAN RIZZARDI: Okay.

13 MR. NARDI: That's right. I really just
14 wanted to give you a flavor of the subcommittee
15 meeting and the concerns that we had and some of those
16 comments. So basically informational and recommending
17 we move forward with providing comments. Julie.

18 MS. BONNEY: So I guess the one question I
19 have is we've what, are moving to develop a task force
20 versus the subcommittee. So the subcommittee is
21 actually the Commerce Committee, or is it the task
22 force that's moving this forward?

23 MR. NARDI: It's the subcommittee as I would
24 understand it, as there is no task force as yet.

25 MR. CHATWIN: This is new. Can you hear?

1 Just some questions, you know. When you talked about
2 the use of hormones for spawning, does that happen out
3 at the facility, or that happens in a lab on shore?

4 MR. NARDI: No, the use of spawning hormones
5 typically, GNRHA, is used only in the hatchery, only
6 on brood stock, and not on any food fish.

7 MR. CHATWIN: I mean, so that might be a
8 clarification you want to add in the language because
9 I know that the use of hormones does elicit a lot of
10 gut responses.

11 MR. NARDI: Yes. I almost didn't want to
12 write the word, but I'm hoping we're smarter than
13 that. But yes.

14 MR. CHATWIN: Then I also had a question
15 about the fee. So the fee as you described it, is
16 that totally independent on the magnitude of the
17 project that is being proposed?

18 MR. NARDI: As I understand it, yes.
19 Typical. Most other fee structures that I'm familiar
20 with are based on -- this is a permit fee as opposed
21 to a lease, so there's a distinction, and generally
22 state permits are sort of water column leases where
23 it's like a property lease. You know, how many acres
24 and fee per acre. So this is the permit process.
25 There was no language in the rule about a lease as I

1 understand it or a fee.

2 MR. CHATWIN: There are other uses in the
3 EEZ that do require a lease, like for oil and gas.
4 And I don't know if the rule is just silent on it or
5 that it acknowledges it and it says it's not
6 applicable to aquaculture.

7 MR. NARDI: I would refer that to NOAA or
8 maybe Julie from the Gulf Council.

9 MR. CHATWIN: Okay. No, it would be
10 interesting to hear it. It's just whether or not that
11 is an issue that you want to be proactive on as MAFAC
12 to acknowledge it, because if you have to lease and
13 there are no provisions to lease, then all this is for
14 naught, right?

15 MS. MORRIS: I'm sorry. I don't remember
16 how we got to that point, but I know we did discuss
17 lease versus permit, and probably with the advice of
18 general counsel we landed on permit.

19 MR. WALLACE: That brings up an interesting
20 point, though. You know, the Corps of Engineers could
21 say, well, we need to have a competitive lease or some
22 other federal agency and put it out for bids like BOEM
23 does for oil and gas and for wind energy. So, you
24 know, I don't know how that got past me, but Tony's
25 point is if you carry that out, you know, the other

1 agencies could put restrictions on that we haven't
2 anticipated.

3 MR. CHATWIN: Which was what happened with
4 wind energy. In the early days of wind energy there
5 was some progress and then Army Corps stepped in and
6 said you will require a lease and there was a whole
7 revision about that up with the Cape wind. And so,
8 you know, that meant that it took 10 years before a
9 permit was issued. So I would like to avoid that
10 happening with aquaculture if we can.

11 MR. NARDI: And it's a point well taken, and
12 I didn't get to it here, but that was also in some
13 additional comments received.

14 MR. WALLACE: Well, yeah, Tony is right, but
15 initially ocean wind energy was going to be regulated
16 by the Corps of Engineers, and then BOEM, who
17 regulates oil and gas, they said, well, we're actually
18 better prepared and structured to do this, and so it
19 took probably 10 years for them to work out who was
20 actually going to be in charge, and it switched from
21 the Corps of Engineers to BOEM, and then they came in
22 with a whole new set of rules which just made it that
23 much more complicated, and we could run into that
24 situation here also.

25 MR. NARDI: No, no, I think that was a

1 comment from CUSP regarding getting the feedback from
2 the Army Corps regarding the lease question. And that
3 has to do with all the timing of the permits, a little
4 bit of the chicken and the egg, where do you go first.
5 You know, we've got to deal with the Army Corps, EPA,
6 and NOAA, and they all weigh in on that.

7 So this is just a start and we realize it.
8 I guess at this point I think, Keith, do we need just
9 a motion that we would follow up with that, or are we
10 okay?

11 CHAIRMAN RIZZARDI: I don't think you need
12 any action by the committee. I think we're coming
13 back to revisit a final document in October.

14 MR. NARDI: Okay.

15 CHAIRMAN RIZZARDI: I thank you for the
16 report, George.

17 MR. NARDI: Yes. Thank you.

18 CHAIRMAN RIZZARDI: Phil, are you ready to
19 report out on recreational?

20 MR. DYSKOW: Yes, I am. Do we have our file
21 ready to put on the screen? So just hold up for a
22 second before you put it up. I want to give a little
23 bit of background on the rec fishing policy and how it
24 evolved. By the way, I am not the chairman of the Rec
25 Fishing Subcommittee. I am sitting in for the

1 chairman, who is Ken Franke. Ken is going to continue
2 as chairman and his term doesn't expire until the end
3 of next year.

4 How this evolved, there has been discussion
5 about rec fishing policy for some time. But in May,
6 in early May, we had our second Rec Fishing Summit,
7 and at that summit there were hundreds of rec fishing
8 stakeholder groups and individual stakeholders from
9 around the country that provided input to NMFS on a
10 variety of issues. Being the impatient person that I
11 am, I characterized it as three days of people
12 vomiting all over the table with their ideas. But it
13 was useful and constructive for NMFS, and at the end
14 of the conference Eileen Sobeck stood up, addressed
15 the group and said the most reasonable and effective
16 way for NMFS to go forward was to focus on developing
17 a recreational fishing policy for saltwater fishermen
18 in federal waters. There was no previous policy and
19 it was thought that this was the place to start, and
20 there was a commitment made by Eileen to give this top
21 priority and to move forward in a timely manner. So
22 that's how it evolved.

23 Russ and Danielle and the Rec Fishing
24 Working Group, Task Force now, changed the name of it
25 I guess, did a tremendous amount of effort to get

1 input. Russ and Danielle had talking sessions around
2 the country. What did you call those actually?

3 MR. DUNN: Town halls.

4 MR. DYSKOW: Town hall meetings. That's
5 right. And they got a tremendous amount of input from
6 all of these stakeholders.

7 Then Russ and Danielle and the team at NMFS
8 roughed out a working document that tried to address a
9 rec fishing policy, and that's what you saw briefly
10 yesterday. And the process we're going through
11 today -- I should back up for a second. After that
12 was presented to the full MAFAC board just as an
13 informational piece, it went to the Rec Fishing
14 Subcommittee yesterday. The Rec Fishing Subcommittee
15 had a number of recommendations. What we want to do
16 now is pass on those recommendations to the full board
17 and then elicit some comments from the full board and
18 hopefully we can come up with some clear direction
19 that Russ can take forward into a revised draft that
20 again we would revisit at some future point. So
21 that's what we want to go through.

22 And when the Rec Fishing Subcommittee saw
23 this draft, we were surprised by the scope and goals,
24 but we probably shouldn't have been because there was
25 a lot of discussion with some very broad stakeholder

1 groups. So there was a lot of stuff in there that
2 perhaps wasn't anticipated by the core recreational
3 fishing community, but it was the process that drove
4 that and we tried to get everybody's input. And what
5 the Rec Fishing Subcommittee tried to do yesterday was
6 pare that down to what we really want. So if you
7 could put that -- oh, I have a clicker. Goodness.
8 That's dangerous, handing me a clicker. So I think I
9 push the little arrows at some point?

10 MR. DUNN: The big arrow.

11 MR. DYSKOW: The big arrow. Well, there are
12 two big arrows. All right.

13 MR. DUNN: That's as simplified as we can
14 make it.

15 MR. DYSKOW: Well, thank you, because at
16 heart I'm a very simple person.

17 Most of our discussion yesterday was in the
18 area of goals and scope, primarily scope. We thought
19 the scope of the draft was too broad. We were getting
20 involved in all sorts of things that probably didn't
21 belong in a rec fishing policy, so we pared down the
22 goals from six to three or the scope from six points
23 to three. And then we looked at goals and added some
24 things that we thought were meaningful. Let's see.
25 Let me get to is --

1 MR. DUNN: That's scope.

2 MR. DYSKOW: Am I getting to scope? Did I
3 pass it?

4 MR. DUNN: Go backwards.

5 MR. DYSKOW: Scope.

6 MR. DUNN: One more. There. That was the
7 broad list that we engaged on.

8 MR. DYSKOW: Right. So, in looking at this
9 list, we fully understood that a lot of this stuff
10 ended up on the list because stakeholders wanted it
11 there. But unfortunately several of these things fall
12 outside the definition of what recreational fishing
13 is, and although they perhaps need to be dealt with,
14 perhaps they should be dealt with elsewhere.
15 Subsistence fishing, for example, is a meaningful
16 topic that it's anticipated will be addressed in the
17 next draft of MSA. And it has certainly had ample
18 discussion and needs more. But it doesn't really fit
19 the pure definition of recreational fishing, and we
20 recommended that that be removed from this.

21 Expense fishing we didn't feel had any place
22 in a rec fishing policy, again, because it falls
23 outside the definition of what recreational fishing
24 is, and there is a specific definition. Russ, do you
25 have that at top of mind?

1 MR. DUNN: Expense fishing?

2 MR. DYSKOW: No, recreational fishing.

3 MR. DUNN: Well, the Magnuson definition is
4 fishing for sport or pleasure.

5 MR. DYSKOW: That's right.

6 MR. DUNN: In complete.

7 MR. DYSKOW: Thank you.

8 MR. DUNN: Yeah.

9 MR. DYSKOW: And then the third item that we
10 thought didn't belong there was noncommercial fishing.
11 So, in developing the scope of the policy, who and
12 what activities should be considered under the policy,
13 shore and private and for-hire vessels. Or I should
14 say shore and private/non for-hire vessels, for-hire
15 vessels, charter boats, head boats, things of that
16 type, and recreational fishing industry in its
17 broadest sense. That's what we thought should be
18 considered in the policy. And although those other
19 three points are useful and important, this probably
20 isn't the right place to try to address them. And our
21 reasoning was simply that they don't fall under the
22 definition of recreational fishing as developed under
23 MSA.

24 And the other area where we had -- I know
25 there's going to be lots of questions. We could do

1 those now or we could go through the changes we had to
2 goals and then discuss it all together. What is the
3 preference? Is there a preference? Why don't we just
4 go through our suggestions to amended goals and then
5 we can get back to a general discussion of policy and
6 goals.

7 Under goals we had some healthy discussion
8 in two areas that we recognize are challenging but we
9 also think are necessary. It was the belief of the
10 committee, the subcommittee, that we should explore a
11 saltwater recreational licensing or permitting
12 process. And yes, this has some potential cost
13 recovery advantages. But the real reason is we need
14 data on who is fishing in federal waters offshore and
15 what they are fishing for. And the permitting process
16 would provide us useful information to know how many
17 people are fishing, where they're fishing, what
18 they're fishing for, and so on and so forth.

19 So I know this is going to be odious, and
20 many of my colleagues in the rec fishing community
21 will be angry at me for putting this in here, but I
22 think it's a necessary point to consider because if
23 you're going to manage recreational fishing you need
24 to know as much about it as you possibly can. And the
25 idea of a permit or a license gives us access to

1 information on who is out there fishing, and that's
2 vital.

3 The other piece that we need information on,
4 so the other goal that we added, if you're going to
5 manage recreational fishing, the more data you have,
6 the better. And we added the suggestion that we
7 explore a simplified cell phone app reporting process
8 for recreational anglers so NMFS would have a vehicle
9 for capturing electronically data on what is being
10 caught. Currently they have a process and it works
11 well in some areas and with some fisheries and not so
12 well with others. But if we're going to have a
13 meaningful recreational fishing policy, the two things
14 we thought needed to be added is we need to know who
15 is out there fishing and we need to know what they're
16 catching. So that was the basis behind those two
17 adds.

18 So, in looking through the balance of the
19 presentation that Russ made, those were the two areas
20 we really focused on. We thought the scope was too
21 broad, and as far as goals, even though those two
22 things may be odious to some recreational anglers, we
23 thought they were critical because information is
24 power and if we don't know who is fishing and what
25 they're catching it's going to be very difficult to

1 manage recreational fishing.

2 I wanted to go through this quickly so we
3 would have ample time for discussion amongst the full
4 MAFAC board. So I would like to solicit questions and
5 comments at this time. Yes, Julie?

6 MS. MORRIS: So, Phil, in the scope part,
7 what's recreational fishing industries?

8 MR. DYSKOW: Would you like to define that,
9 Russ, since you're the one that wrote that?

10 MR. DUNN: Sure. I mean, to this point the
11 way have -- we haven't defined it, defined it, but the
12 way we are loosely thinking about it is things such as
13 bait and tackle shops, fishing tournaments,
14 manufacturing side of recreational fisheries.

15 MS. MORRIS: Distribution?

16 MR. DUNN: Distribution, right. So it's
17 that shore-side support infrastructure I would say.

18 MS. MORRIS: And how does that square with
19 the definition of recreational fishing?

20 MR. DUNN: So, I mean, it's certainly not
21 included in the Magnuson fishing for sport or
22 pleasure, but it's certainly, without that shore-side
23 infrastructure, you wouldn't have any recreational
24 fishing.

25 MS. MORRIS: So, in terms of it being part

1 of the scope of the policy, the goal is that the
2 policy would address the shore-side infrastructure as
3 well as the actual people directly participating in
4 the fishery. And give me an example of how the policy
5 would address the recreational fishing industry.

6 MR. DUNN: Well, I mean, I think it fits to
7 some extent within the concept of the working
8 waterfront, I think which is traditionally considered
9 really focused on the commercial aspect. But there is
10 certainly a significant recreational component to a
11 working waterfront. So I think it's in that vein of
12 maintaining the working waterfront, those operations,
13 marinas, boat ramps, bait and tackle shops that are
14 down by the water to enable the execution of
15 recreational fishing.

16 MR. DYSKOW: I think that is, Julie, truly a
17 gray area and we had that discussion as well. But
18 these people, many of whom are retailers, view the
19 recreational fishermen as their customers and they
20 view themselves as part of the industry, and we would
21 rather they be part of our potential solution for
22 better managing recreational fishing than the
23 opposition or people on the outside looking in. But
24 that point is open to interpretation and we'd be more
25 than willing to look at any comments on how we could

1 make that better or clearer.

2 Any other comments? Yes, Tony.

3 MR. CHATWIN: In terms of the licensing that
4 you mentioned or permitting.

5 MR. DYSKOW: Yes.

6 MR. CHATWIN: How does that tie into this
7 effort because that exists already, right? It's on a
8 voluntary basis. There is a national registry, isn't
9 it?

10 MALE VOICE: Nick had his hand up.

11 MR. BRAME: Tony, what we were talking about
12 is if you look at the number of trips in the EEZ, I
13 just looked yesterday in the Gulf and the south
14 Atlantic, it's in the order of 4 to 8 percent of the
15 total trips. So the current data collection system
16 under MRIP, you wouldn't expect it to adequately
17 sample that fishery. It's like a rare event fishery.
18 So some sort of permit, you know, similar to -- for
19 those of you that duck hunt, I know all of you duck
20 hunt. It's similar to the HIP program, the Hunter
21 Information Program where you sort of -- it's an
22 avidity survey, what kinds of stuff do you hunt. All
23 this is is a -- as we viewed it, one of the primary
24 reasons is a way to identify those folks who fish in
25 the EEZ and allow the current sampling system to

1 better sample that.

2 MR. DYSKOW: There is a real shortage of
3 meaningful data on recreational fishing compared to
4 commercial fishing, and we're trying to fill that gap
5 as reasonably as possible. There are going to be
6 challenges with that, but if we don't address it in
7 the policy, it's never going to happen. Yes, another
8 question?

9 MS. MORRIS: Yes. I want to say that I
10 really support the addition of those two goals. I
11 think that's really forward-thinking and positive and
12 I support that. The goal on exploring saltwater
13 licensing and permitting and moving down the road on
14 this, people being able to use their smartphones to
15 report their catch in real time, I think those would
16 both be very positive steps forward for recreational
17 fishing.

18 Back to the scope, I'm sorry. One more
19 comment. It seems like the subsistence fishing and
20 the noncommercial fishing comments came in from the
21 Western Pacific EEZ.

22 MR. DYSKOW: Primarily.

23 MS. MORRIS: Yeah. And so do we risk making
24 the people who made those comments feel like they're
25 being shoved aside and their interests aren't really

1 being addressed, or can we -- are we expressing that
2 we think there's other vehicle -- do you understand
3 what I'm saying here?

4 MR. DYSKOW: Yes. And exactly what we as
5 the subcommittee decided is those are all important or
6 they wouldn't have been included. It was new
7 stakeholder feedback, but do they need to be addressed
8 here? Is this the right place to address them? We're
9 not experts on subsistence fishing and I know that
10 there is potential language in the MSA drafts, at
11 least the Senate draft, that addresses that. And I
12 would rather see it addressed elsewhere by people that
13 are more expert than the Rec Fishing Subcommittee and
14 the Rec Fishing Working Group. It really falls
15 outside the definition, the MSA definition of
16 recreational fishing.

17 Any other comments? Yes, sir?

18 MR. BEAL: Thanks, Phil. Just real quick.
19 I think, you know, that I support the notion of data
20 collection and permitting and everything else. I
21 think that's the way to go. On the use of, you know,
22 apps, cell phones, tablets, those sorts of things to
23 report data, I think that's a great thing to do.
24 There's a lot of folks in the recreational community
25 that are interested in that, but it's going to take a

1 lot of work in correcting that pool of data compared
2 to the other data that's collected. That will be
3 the -- I don't know. George LaPointe, who I guess
4 he's a contractor with NOAA Fisheries on electronic
5 monitoring, he says that -- his terms, not mine -- the
6 psychos, the braggarts, and the high-liners are the
7 guys that -- well, are happy to tell you what they've
8 done that day. And that's probably not representative
9 of --

10 MR. DYSKOW: That probably isn't.

11 MR. BEAL: Yeah, yeah, he's got a way with
12 words. So, you know, I think it's the right thing to
13 do, but it's going to take some work to get there and
14 I think controlling that expectation in the
15 recreational community is probably pretty important
16 because, you know, we can -- you know, ACCSP has apps
17 where you can enter anything you want into it. The
18 software part of that we can have done by the end of
19 the week, but how to use that data --

20 MR. DYSKOW: Right.

21 MR. BEAL: -- is the important part. And I
22 think the worst thing that can happen is for NOAA
23 Fisheries or the states or whoever it is to let these
24 apps loose and then not use that data, because that
25 will turn off the rec guys quicker than anything else.

1 MR. DYSKOW: I don't disagree with you.
2 I'll give you another piece of our logic, faulty or
3 not. This is a new recreational fishing policy. But
4 we could have just recommended a paper reporting
5 system, but we all know paper is dead in this process.
6 We're going to go to electronic reporting at some
7 point in the future. Why not just bite the bullet and
8 do it? It's going to be flawed. But what we have is
9 also flawed, and what we have varies dramatically from
10 site to site. So it has inherent challenges with it
11 anyway. So I don't disagree with what you're saying
12 and NMFS may come back and say we don't want to do
13 this, it's too complicated. That's their right. But
14 if we don't start with something that has some
15 potential to go forward in the future, we're never
16 going to get there. And paper, to me, has no future.

17 We were talking the other day about in
18 Alaska you report a recreational salmon catch via
19 paper. And you might not know this, but it rains in
20 Alaska quite a bit. So here you have this little
21 thing, it gets soggy, it starts to crumble, and you're
22 supposed to report your catch on a document that self-
23 destructs during the process of your day's fishing. I
24 just think that the electronic mode has merit and we
25 at least ought to start there. And if we fail, so be

1 it. But at least we're starting with something that
2 we know has a future. Everything you said is correct
3 and I wouldn't disagree with any of it. Dave?

4 MR. WALLACE: Well, I couldn't agree with
5 you more. You know, recreational fishing lack of good
6 data has plagued the management forever. Bob is in
7 charge of some of that, trying to collect the
8 information and, Phil, you're right, everybody is
9 going to electronics. Commercial fishery is right at
10 the moment at least on the East Coast and I'm sure on
11 the West Coast being transitioned over from paper to
12 electronics. The Clam Fishery volunteered to do all
13 the reporting of the processing plants electronically
14 four or five years ago, and we are in the process of
15 gearing up to do all of our catch reports
16 electronically in real time. And so, you know, when
17 you have information in real time, then you actually
18 know what is transpiring. And knowing what's
19 transpiring in the recreational fishery would be a
20 tremendous amount of help to the managers and to all
21 the participants, and so I think it's a great idea.

22 MR. DYSKOW: I saw your hand first, Liz.

23 MS. HAMILTON: Well, Bob, just to give you a
24 picture of something. I fished in the ocean off the
25 Oregon/Washington coastline and this is what I have to

1 carry. I can't put the rod back in the water before
2 the fish is marked on this piece of paper. And I'm
3 fishing in, you know, four- or five-foot swells,
4 eight-foot intervals. Little different than you guys.
5 So, you know, being able to click a picture, you know,
6 so it isn't just about bragging. You have to tag your
7 fish or you can't put your rod back in the water to
8 get your other fish. So I don't know how that fits in
9 other fisheries, but for the West Coast electronics
10 will be -- I'm dreaming of the day that we get to do
11 that.

12 MR. DYSKOW: We have two other items we want
13 to talk about under the goals section, so let's take
14 Dick's question and then move on to those two points.

15 MR. BRAME: I also sit on the operations
16 team from MRIP and I just felt for the record I'd like
17 to point out that recreational data is not bad. There
18 are some limitations. They are addressing those
19 limitations. It happens to be the best recreational
20 data collection system in the world by far. And
21 nobody wants to say that, but it happens to be.

22 What's happened is we've imposed a
23 management system on the recreational fishery that the
24 data collection system does not support. That's the
25 problem. So it's not bad data. The data is actually

1 very good and I just wanted to put that on the record.

2 MR. DUNN: I just got a tear in my eye.

3 MS. SAGAR: Danielle too I noticed.

4 MR. DYSKOW: Thanks for that comment, Dick.

5 Sometimes I --

6 MR. BRAME: And I'm one of the psycho
7 braggarts.

8 (Laughter.)

9 MR. DYSKOW: Thank you for that comment and
10 it wasn't my intent to degrade the value of the data.
11 I do know that it varies dramatically site to site,
12 and it is the best data we have today. I would not
13 disagree with that. I just believe the future is in
14 electronic reporting.

15 If we're okay with that for now, let's move
16 on to two other key components because we want to have
17 Russ leave here with some key direction on how to move
18 forward. Two other key parts, again, there was a lot
19 of feedback for a lot of reasons from a lot of
20 stakeholders. There was a strong comment from certain
21 elements to separate out pure recreational fishing
22 from for-hire boats, in other words, to somehow have a
23 separation between rec anglers that fish from shore
24 and from their own boats from rec anglers that fish in
25 charter boats or head boats or so on. And it was the

1 recommendation of the subcommittee not to do that.
2 You know, the definition of rec fishing is clear. A
3 rec fisherman is a rec fisherman, and there might be
4 useful reasons for separation between head boat and
5 private boat fishing or shore fishing. But ultimately
6 a rec angler is a rec angler, and it was our
7 recommendation not to split those out, and we'd like
8 to get some feedback on that and I'm sure Russ would
9 like to get some feedback on that. Yes, ma'am.

10 MS. MORRIS: Well, you probably know what
11 I'm going to say and we've talked about this
12 privately. It's really important as a fisheries
13 manager to have the best tools you can to manage the
14 catch within the allowable harvest. And it's just
15 very clear to me that in the red snapper fishery in
16 the Gulf of Mexico, providing a different management
17 strategy for the for-hire sector of that fishery is
18 going to be good for keeping the harvest within its
19 harvest level. It's going to be good for the people
20 who are in the for-hire business. They're going to
21 have more predictability. And it just seems like it's
22 a very positive step.

23 And so, if you're suggesting a policy that
24 would recommend against that, I would have very large
25 concerns about that. If you're just talking about

1 trying to affirm the fact that a recreational
2 fisherman is a recreational fisherman no matter what
3 platform they're fishing on, that makes perfect sense
4 to me. But if you're going beyond that and sort of
5 trying to throw obstacles in the way of what I see as
6 a very important and valuable management tool that
7 could be used for the for-hire sector, I would have a
8 lot of -- I would be opposed to that.

9 MR. DYSKOW: Thank you for that comment,
10 Julie. This is going to be a contentious issue
11 because the rec fishing community overall is totally
12 against splitting out for-hire and other forms of
13 recreational fishing. And the fear is that this will
14 develop a fight for the fish, a catch share challenge
15 where for-hire vessels and pure recreational fishermen
16 will have separate and distinct catch shares. And the
17 rec fishing community as a whole is opposed to that.

18 MS. MORRIS: Can I respond?

19 MR. DYSKOW: Absolutely.

20 MS. MORRIS: You say as a whole, but I know
21 that there are for-hire operators who really do want
22 separate management strategies.

23 MR. DYSKOW: I agree.

24 MS. MORRIS: So I have to question your
25 statement that as a whole the recreational fishery is

1 opposed to that.

2 MR. DYSKOW: Well, I'm trying to be fair and
3 represent 11 million recreational anglers, 3 point
4 some million that fish in the Gulf of Mexico, and I
5 think that majority would be very concerned with
6 splitting this out separately. I respect the reasons
7 why you want to do it, and based purely on those
8 reasons I'm not sure I don't agree with you. But
9 overall I would have difficulty with splitting out
10 for-hire vessels from shore and private vessels,
11 particularly at the broad policy level when we're
12 talking about scope. Yes, ma'am.

13 MS. EDER: Thank you. I would support
14 splitting them out as well. I think that I recognize
15 the rubric or the phrase that a rec fisherman is a rec
16 fisherman regardless of the platform, but there are
17 different regions in the country where different
18 issues arise, and there are some regions in which the
19 commercial and recreational catch do not meet. There
20 are other regions in the country where allocations,
21 either current issues either currently exist or may
22 arise in the future. And I think to bury a policy
23 that buries for-hire vessels within the rec community
24 is I think kind of putting our heads in the sand
25 because those issues will emerge and will arise in

1 terms of allocation relative to for-hire vessels
2 versus individual rec fisherman versus commercial
3 fisheries. And so I recognize those as distinct
4 entities and I think a great many from the commercial
5 side of the industry also do as well.

6 I mean, I'm not saying anything original
7 here. This is, you know, a day-to-day issue in the
8 Northwest -- or, excuse me, in the North Pacific
9 region and will also be in the Pacific region. So for
10 those reasons I support identifying them as separate
11 interests.

12 MR. CHATWIN: Just a question of
13 clarification. Does the policy as you are seeing it
14 now make assertions about this topic? Because --

15 MR. DYSKOW: No, it does not. And that's
16 the reason, one of the key reasons we didn't want to
17 separate them if the only justification for separating
18 them is an allocation issue.

19 MR. CHATWIN: No, no, but maybe I wasn't
20 clear enough.

21 MR. DYSKOW: And that's not part of this
22 scope.

23 MR. CHATWIN: But you keep saying we didn't
24 want to separate them.

25 MR. DYSKOW: Right.

1 MR. CHATWIN: But in the policy you can
2 either make assertion about separating a subset of the
3 recreational fishing, or you can say these are
4 recreational fishermen and then be silent on this
5 issue of allocation. And it just seems to me that
6 that might be your more expedient approach, to be
7 silent on this issue whether or not you recommend on a
8 national basis whether they should be united or not
9 because it sounds to me and it seems to me in the
10 Gulf, for example, that there's a lot of passion on
11 both sides of that question.

12 MR. DYSKOW: There certainly is and based on
13 who I was sitting next to, I could take either side.
14 But the point is this is to define the scope of
15 recreational fishing policy, not to define allocation
16 between head boats and private anglers. So we're not
17 going to get to that point anyway with the rec fishing
18 policy. So to separate it in the context of the
19 policy to me isn't necessary. If it's dealt with from
20 an allocation perspective, that's not within the
21 constraints of our intention with this document
22 anyway. Do you agree with that, Russ, or am I
23 incorrect in my thinking?

24 MR. DUNN: I'm really here to listen.

25 (Laughter.)

1 MR. DYSKOW: Okay.

2 MR. DUNN: I would say this, that, you know,
3 when it comes down to the issue of sector separation,
4 that is an issue that the Agency really believes is
5 within the purview of the management councils under a
6 given fishery. Is it an appropriate management tool?
7 You know, we are interested in seeing all the
8 appropriate tools in the toolbox being available. It
9 is not for the Agency to say to the councils this is a
10 tool that is not in your toolbox --

11 MR. DYSKOW: Right.

12 MR. DUNN: -- or you must use this tool that
13 is in the toolbox.

14 MR. DYSKOW: And the concern being, if we
15 separated them here, that would almost be a
16 recommendation that they be separated at the council
17 level, and that's not our intent. And I do agree that
18 if that decision is made it should be made at the
19 council level, not at this broad a level when we're
20 just trying to develop the scope and goals of a
21 national policy. Keith, you're next.

22 CHAIRMAN RIZZARDI: So I'm wondering if
23 we're engaging in an abstract debate a little bit
24 prematurely.

25 MR. DYSKOW: I agree.

1 CHAIRMAN RIZZARDI: As I'm thinking through
2 this issue, it's sort of the classic lumping versus
3 splitting. All right? Do you lump them all in or do
4 you split them all up? You know, and I get the kind
5 of point that this policy is now evolved into the
6 recreational and noncommercial fishing policy. I
7 mean, that's --

8 MR. DYSKOW: No, because our last
9 recommendation is that we take out the term
10 noncommercial and focus specifically on recreational.

11 CHAIRMAN RIZZARDI: And as I'm realizing,
12 all of it comes down to what is the next level of
13 recommendations regarding each of these areas. And we
14 don't have that yet. So the devil is in the details
15 and when we get the next level and we start
16 understanding what exactly the policy is with regard
17 to vessels for hire or subsistence or whatever else is
18 being lumped into this policy as drafted right now,
19 then I think we'll be better positioned to comment.
20 I'm just thinking it's a little premature right now.

21 MR. DYSKOW: I couldn't agree with you more
22 because what we really want to end up with here is
23 some overall MAFAC consensus on what we have for scope
24 and goals so that Russ and his team can go forward
25 with the next reiteration. I think as a compromise to

1 satisfy those that want to separate it out, we simply
2 don't address that here and say what activities should
3 be considered under the policy, shore, private, non
4 for-hire vessels and for-hire vessels, and not
5 recommend or eliminate the separation at this point.
6 In other words, Point 1 and 2 simply be combined into
7 one point, what activities should be considered shore
8 and private, non for-hire vessels and for-hire
9 vessels, is one bullet point. And at some future
10 point where it makes sense that can perhaps be
11 addressed further. I'd certainly accept that as a
12 compromise because I respect the comments. Sir?

13 MR. CLAMPITT: Thanks. So at what future
14 point? When would we go down that road?

15 MR. DYSKOW: Well, what we're trying to do
16 here is get MAFAC consent on the goals and the scope,
17 which is a very, you know, short list. And then Russ
18 and his team, and I'm not trying to put words in his
19 mouth, will come up with a more intense draft that
20 starts to dig into some of those issues, and that
21 draft will then come back through the normal MAFAC
22 process, starting with the subcommittee and going to
23 the full board, and it's our intent at some point in
24 the not too distant future the full board would have a
25 chance to provide input into and ultimately a vote on

1 the -- their consensus with the recreational fishing
2 policy. Yes?

3 MR. CLAMPITT: So the reason why you want to
4 lump them together is just for simplicity?

5 MR. DYSKOW: At this point, yes. We have
6 someone at the end of the table that's been very
7 patient. Julie.

8 MS. BONNEY: I guess I'm trying to
9 understand the nuance, Phil. From what Russ said, to
10 me, it's about tools. And so defining the
11 recreational sector as both non for-hire vessels and
12 for-hire vessels along with your support industries,
13 yeah, I agree that defines the group. The question is
14 on a management level whether you can dissect the
15 sector to come up with the appropriate management
16 tools to control the extraction that you have as a
17 group for conservation. So as long as you're defining
18 the sector but you're not tying the management
19 council's hands in terms of the tools that they may
20 use to manage that sector, I'm fine with that.

21 But I guess I'm having trouble with some of
22 your tying all the pieces together for where you're
23 going for an end goal. I would argue that for-hire
24 vessels is definitely commerce. I mean, it's a
25 business that's dependent on a certain clientele, and

1 if they can't meet that client base that they need to
2 make their revenues work, then that business goes
3 away. So I don't know how we tie all the pieces
4 together, but I can accept the idea that you're having
5 all the groups in one category as long as we
6 understand that on a management level they can slice
7 and dice that group to create the right management
8 regime for your industry.

9 MR. DYSKOW: I think that's well said,
10 Julie, and I don't disagree with you. But again, this
11 was developed to be -- the intent and the ultimate
12 goal is for this to be an overriding recreational
13 fishing policy. It's not to define rules. Rules are
14 going to be defined through the same path they always
15 have within NMFS, and ultimately it's going to be a
16 council decision as to whether they separate those
17 segments or not and there will be a lot of healthy
18 discussion around that, I'm sure.

19 But at this point we just want to say, if
20 this is the scope of recreational fishing and these
21 are the goals of the policy, he can go forward to the
22 next level. Do I have any more discussion on this?
23 You know, I'm not trying to ramrod anything through.
24 I'm truly trying to get feedback so we can get a
25 consensus that can allow Russ to go to the next level

1 on this. Sir?

2 MR. BEAL: Just real quick, Phil. I don't
3 want anyone to leave here thinking that I don't
4 support electronic monitoring. I think it's
5 absolutely the right thing to do for recreational
6 fisheries.

7 MR. BRAME: Better get that down.

8 MR. BEAL: Yeah, I know. That's my fear is
9 Dick Brame is going to have some CCA article out
10 bashing the ASNOC. No, so I mean --

11 MR. BRAME: I'll extend.

12 MR. BEAL: Yeah, you know, and people in my
13 office are writing code right now for tablets to do
14 pilot programs in Rhode Island and the south Atlantic
15 to collect data on party and charter boats. And I
16 think it's the right thing to do and I think, you
17 know, Liz's example is ideal places to start, places
18 where you have to, you know, monitor each fish, write
19 down each fish and, you know, report those before you
20 can put your line back in the water. It's a perfect
21 place to start, and those applications and codes are
22 simple to write and I think we should find any way we
23 can to make those things happen, right, Phil? Paper
24 is outdated and gets soggy and everything else. So I
25 don't want anyone to think I don't support it. You

1 know, we're pushing hard for it. I just think we have
2 to do it sort of in a metered way and, you know, not
3 let expectations get ahead of ourselves.

4 MR. DYSKOW: And to be clear, we're not
5 mandating that. We're suggesting that that be
6 considered by NMFS as the reporting tool. If they
7 come up with a better idea, if they want to go back to
8 using paper, that's their choice. It's just we all
9 know the shortcomings of paper. Dave, you're next.

10 MR. WALLACE: Would you entertain a motion
11 to accept your recommendations as presented?

12 MR. DYSKOW: Yes.

13 MR. WALLACE: I so move.

14 MR. DYSKOW: Keith, I'm not trying to take
15 over your role. Do we have a second?

16 MS. MORRIS: Second.

17 MR. DYSKOW: We have a motion and a second,
18 so the next opportunity is for discussion and Tony had
19 his hand up first.

20 MR. CHATWIN: Thank you. It's just that I
21 would like to see what I'm voting on and I think
22 you've done a great job describing what your
23 recommendations are, but I'm not sure what we're
24 voting on. I don't know if you have language.

25 MR. DYSKOW: What we're voting on, to

1 articulate it more clearly, and the reason you don't
2 see it written down, this isn't a 100-page document.
3 We're trying to clarify the goals and scope of what a
4 rec fishing policy should be so he can take the next
5 steps to actually write that policy. And at that step
6 we certainly need a lot of input from a lot of
7 stakeholders, including MAFAC members. So the intent
8 here today was to make sure that our goals were
9 focused properly and that the scope was correct for
10 the context of a recreational fishing policy.

11 MR. DUNN: Just to clarify on this. If I
12 recall from last night, the subcommittee's
13 recommendations were in the blue. The black text is
14 sort of just the thinking that the subcommittee
15 discussed that went behind the recommendation if
16 that's --

17 MS. MORRIS: So what we would be voting on
18 is the blue?

19 MR. DUNN: Well, yeah. I would defer to the
20 acting subcommittee chair on that, but I think so.

21 MR. DYSKOW: Right. I didn't write this
22 document. I'm working off of an iPad, so Danielle
23 graciously agreed to draft this. In the area of
24 scope, we were not comfortable with the terms
25 noncommercial, expense, and subsistence fishing being

1 part of the National Recreational Fishing Policy. So
2 it would be just those first three bullets that would
3 include the scope, and based on your discussions and
4 Julie's suggestions, we've reduced those top three
5 bullets to two bullets. We basically decided not to
6 separate out for-hire at this point because all we're
7 trying to do is define the scope of recreational
8 fishing activity, not the catch allocation between
9 for-hire and sport.

10 MR. DUNN: So it's just the beginning part.

11 MR. DYSKOW: Yes. In fact, I think a better
12 clarification is, if you can go back to the other
13 presentation. What we're asking for is two things, a
14 confirmation of the scope and the goals. And for
15 scope we've eliminated the last three bullets because
16 we don't think they fit within the definition of
17 recreational fishing and we've combined 1 and 2 for
18 the purposes of defining scope. Does that make sense?
19 Does everybody understand that? Does that address
20 your question, Tony?

21 MR. CHATWIN: That's better. And sorry to
22 be a stickler about this, but it's important to know
23 what we're voting on.

24 MR. DYSKOW: Oh, of course.

25 MR. CHATWIN: Because we work with the

1 recreational fishing sector in other places. What was
2 it, a noncommercial fisherman?

3 MR. DYSKOW: The original working draft
4 included the term recreational fishermen and
5 noncommercial fishermen, and we recommended taking out
6 that term, noncommercial fishermen, because we didn't
7 know what it meant and whatever it meant, it didn't
8 fall under the definition of recreational fishing.

9 And the -- go ahead. Somebody else have a
10 question? Julie?

11 MS. BONNEY: Just to clarify. So then the
12 motion that's on the table that Dave put on is exactly
13 what was on the slide, which is defining the scope,
14 which is the rec community and then the recreational
15 service sector.

16 MR. DYSKOW: Yes.

17 MS. BONNEY: And you've got a second for
18 your motion then?

19 MR. DYSKOW: I think for clarity we also
20 ought to look at goals, if you could put that up
21 there, because we have made a few changes there --

22 MS. BONNEY: Could we do one at a time?

23 MR. DYSKOW: -- with the addition of the
24 permitting or licensing and the data collection. So
25 goal number one is to foster and enhance

1 sustainability, healthy and diverse recreational, we
2 took out the word noncommercial fisheries, and public
3 access to them. So Item No. 1, the term noncommercial
4 was removed. And Item No. 2, the term noncommercial
5 was removed. Sir? Keith, you're up.

6 CHAIRMAN RIZZARDI: I'm going to try to
7 simplify this so that rather than debate the precise
8 terms of the PowerPoint we go back to that blue
9 language because I think at the end of the day that's
10 the principle that we need to decide on.

11 MR. DYSKOW: I don't disagree, but if you
12 can go back for just a second, that was it. There are
13 no other changes there with the two additions.

14 CHAIRMAN RIZZARDI: Well, I do think they
15 have echo effects throughout the rest of the
16 presentation, and I think I'd like to know if we have
17 a consensus on the committee for basically what I see
18 as the lumping versus splitting approach, and I'd also
19 like just some clarification as to whether NOAA could
20 generate two policies. I mean, if we as a body said
21 we think they should be split, I mean, Russ has done a
22 lot of good work on all this stuff and we've still got
23 these subsistence issues out there and we've got these
24 noncommercial issues out there. And perhaps they
25 shouldn't be lumped in, and perhaps the committee

1 feels they shouldn't be lumped into a recreational
2 fishery policy and I can understand that. But is
3 there a reason we couldn't simply have two policies to
4 address the two categories?

5 MR. DUNN: So the second policy being to
6 address subsistence or noncommercial?

7 CHAIRMAN RIZZARDI: Right.

8 MR. DUNN: Is there some sort of legal
9 barrier to doing so? No. Am I in a position to be
10 able to commit us to doing so? No.

11 MR. DYSKOW: That's the same thing the Rec
12 Fishing Subcommittee dealt with. That's outside of
13 our responsibility. You know, that's not what we were
14 asked to do. It doesn't mean it's not relevant and
15 meaningful. So if you would bear with me for just a
16 second, if you could go back to where we were under
17 goals, in the other document, I'm sorry. Basically we
18 struck out the noncommercial language, not because
19 it's not important but because we felt it didn't
20 belong here. And we added those two points in the
21 blue document which dealt with electronic -- the data
22 recording, reporting, and the permit/licensing.

23 So that's in essence all we were asking for
24 approval of from MAFAC at this time, so that they can
25 go forward with the wordsmithing of the next draft of

1 a policy. Is that consistent with what your
2 expectations are, Russ?

3 MR. DUNN: I mean, really I will work with
4 whatever the committee gives me, but that is logically
5 the next step is I will take the input from MAFAC and
6 then turn and literally next week, and this week we
7 are sitting down to, as I say, go through the comments
8 and begin the drafting process.

9 MR. DYSKOW: Right. So, as I understand,
10 Dave's motion and the second was to approve or
11 disapprove the goals and scope as they were just
12 discussed and presented.

13 MR. CHATWIN: So I appreciate your patience
14 with me. I think we're very close, but if we could
15 put the two items that are to be added to that list of
16 four with the list of four and have the motion
17 folks --

18 MR. DYSKOW: Sure. I think Whitney can do
19 that real quick.

20 MR. CHATWIN: Yeah.

21 MR. DYSKOW: Because we have them and the
22 reason we did two documents wasn't to confuse people.
23 We wanted to discuss the changes and we wanted to also
24 give the full group a chance to discuss the draft that
25 Russ prepared, so they're separate for a reason even

1 though it does make things dysfunctional. That's a
2 good suggestion.

3 MR. CHATWIN: Okay.

4 MR. DYSKOW: And we're trying to keep this
5 on schedule for everyone. So that won't take but a
6 minute and that would clarify everything and I
7 appreciate your comment.

8 MR. DUNN: I just want to clarify one sort
9 of process issue in terms of next steps here. So once
10 we make the next draft or the actual draft because we
11 don't have a draft yet, it will be circulated, you
12 know, far and wide.

13 MR. DYSKOW: Yes.

14 MR. DUNN: We anticipate that the comment
15 period for that will close at the end of the calendar
16 year, which is likely before the full MAFAC convenes
17 again. So, I'm guessing, right?

18 FEMALE VOICE: I didn't hear -- I'm sorry.
19 I was just --

20 MR. DUNN: So, if the MAFAC as a whole
21 wanted to weigh in in a formal way, there would have
22 to be some interim phone call meeting to set up.
23 Obviously we are more than happy to take the
24 individual comments and we look forward to that. You
25 know, we will be working with the Rec Working Group on

1 it and taking their comments as we develop it. But
2 just for clarification, that we anticipate having the
3 draft comment period closed end of the year, so if you
4 want a formal comment, you'd have to reconvene in some
5 manner.

6 MR. DYSKOW: I can't speak for the rec
7 subcommittee chair, but he's not here, so I can throw
8 him under the bus. I'm sure he would be happy to host
9 a teleconference to discuss that. Keith, you may even
10 want to consider it as a full board. But there's
11 obviously got to be an opportunity for MAFAC to come
12 back and comment on this, perhaps multiple times. And
13 all we're trying to do here is get some clarification
14 on the scope and goals so they can start to write
15 policy.

16 CHAIRMAN RIZZARDI: I did have a tentative
17 date of early December scheduled for a MAFAC committee
18 telecon of some sort, so if that's helpful, Russ.

19 MR. DYSKOW: Yeah.

20 MR. DUNN: That should be --

21 CHAIRMAN RIZZARDI: I'll put up the work
22 plan later. I know we've got some people who are
23 eager for a break, so I'm hoping this is --

24 MR. DYSKOW: I'm done. As soon as Danielle
25 gets that up on screen we can vote on it.

1 MS. SAGAR: Well, this is going to take a
2 while. And I want to give you a quick turn-around
3 here. Can I ask for a clarification? It sounded to
4 me like you wanted to just show the language that you
5 had in blue but minus the language in black.

6 MR. DYSKOW: No, what we wanted to show --

7 MS. SAGAR: No. Okay. I misunderstood.

8 MR. DYSKOW: -- for goals, we wanted to add
9 the comment on our desire to have NMFS consider an
10 electronic recording method for capturing data, and
11 then a licensing -- we wanted NMFS to consider a
12 licensing and permit process so that we could identify
13 anglers. Two obvious pieces of --

14 MS. SAGAR: This word?

15 MR. DYSKOW: Yes. Two obvious pieces of
16 information we don't have in clarity, full clarity,
17 today.

18 CHAIRMAN RIZZARDI: Whitney?

19 MS. ANDERSON: It's all in that document,
20 though, minus the black, the additional language.

21 MS. SAGAR: Exactly. So that's what I'm
22 trying to do.

23 MS. ANDERSON: Right.

24 MS. SAGAR: Is make the blue -- I'm trying
25 to get the blue on something that these guys can look

1 at.

2 CHAIRMAN RIZZARDI: Would a five-minute
3 break help?

4 MS. SAGAR: That would be fine.

5 MS. ANDERSON: Yes. Thank you.

6 CHAIRMAN RIZZARDI: Okay.

7 MR. DYSKOW: Great. Let's -- thank you.

8 (Whereupon, a brief recess was taken.)

9 CHAIRMAN RIZZARDI: The language up on the
10 screen for us, please.

11 MR. DYSKOW: Okay. What has been done is to
12 put all of the discussion and summarize it. If you
13 could scroll up to the top, please? Recommendations
14 from the subcommittee. And this is what we're asking
15 the full MAFAC board to approve, and this is
16 consistent with Dave's motion and the second that we
17 have. And I'll just read this even though it's right
18 there in front of you. The subcommittee recommends
19 removing noncommercial, expense, and subsistence
20 fishing from the National Recreational Fishery Policy
21 and cover only those traditional definitions of
22 recreational fishing.

23 And the second clarification, we had one
24 point that dealt with for-hire vessels separately, and
25 the subcommittee recommends defining recreational

1 fishing as shore and private non for-hire vessels and
2 for-hire vessels. We're not going to try to define
3 allocation at this point. We're just trying to define
4 what rec fishing is. And that's based on the comments
5 that Julie made.

6 And then under goals the subcommittee
7 recommends the removal of the word noncommercial from
8 throughout the goals. Not that it's not relevant,
9 it's just not relevant to a rec fishing policy. And
10 we recommend including under the innovation goal of
11 the draft to consider or to explore more accurately
12 the idea of a federal licensing or permitting program
13 for recreational fishing in federal waters.

14 And then the other recommendation under that
15 innovation goal was to enhance the reporting process
16 for recreational fishing and to explore and consider
17 the idea of a cell phone app based reporting
18 mechanism. So that's essentially what we're voting
19 on. Is that consistent with the motion and the second
20 that we have on the floor?

21 MR. WALLACE: Yes.

22 MR. DYSKOW: Any further discussion on that?
23 And remember this document is going to be in front of
24 you many times in the future. We're just trying to
25 define the goals and the scope of that document.

1 Sir. I'm sorry, I saw her hand first even
2 though I identified you first. So, Julie.

3 MS. MORRIS: Just two questions, Phil. So
4 in the part where you talk about -- back up to the
5 scope, please? When you talk about traditional
6 definitions, is it the MSA --

7 MR. DYSKOW: We could say, instead of
8 traditional, just put MSA.

9 MS. MORRIS: I think that would be better.

10 MR. DYSKOW: Because that's exactly what we
11 meant.

12 MS. MORRIS: And then just to clarify, you
13 don't think the scope should include the recreational
14 fishing industry anymore?

15 MR. DYSKOW: These are the changes.

16 MS. MORRIS: Okay. So the recreational
17 fishing industry is still in the scope?

18 MR. DYSKOW: Yes. What we changed, we
19 combined for-hire and non for-hire, and we took out
20 three components. But we did not take out the
21 recreational fishing community one.

22 If we have no other discussion, are we
23 prepared -- Keith, I'm sorry.

24 CHAIRMAN RIZZARDI: So I'm looking at this
25 through the lens of not just the Recreational Fishery

1 Committee but also MAFAC as a whole.

2 MR. DYSKOW: Yes.

3 CHAIRMAN RIZZARDI: And also NOAA. And the
4 thing that keeps coming back to me is Russ spent all
5 this time dealing with all these other issues. What
6 happens to them? Where do they get addressed? And I
7 would feel much better about this motion if it
8 included something to the effect of MAFAC encourages
9 NOAA to consider developing a separate policy to
10 address any issues that are removed from this draft.

11 MR. DYSKOW: Can you articulate that as
12 another point? That's certainly the intent. That's
13 certainly the intent, Keith. We just don't feel --
14 we're not the people to do that.

15 CHAIRMAN RIZZARDI: And I understand what
16 you're advocating for, and I understand why because
17 your position is this should be a recreational
18 fisheries policy and it should be limited to
19 recreational fisheries. I understand that. I also
20 recognize that there are all these other important
21 issues that do need to be addressed. And somehow NOAA
22 needs to solve those problems too. And I don't want
23 us to be perceived as foreclosing those solutions. If
24 we're saying that they could be dealt with in a
25 separate policy, I'm okay with that.

1 So my language was MAFAC encourages NOAA to
2 consider developing a separate policy to address any
3 issues that are removed from this draft.

4 MS. SAGAR: Encourages NOAA to consider?

5 CHAIRMAN RIZZARDI: To consider developing a
6 separate policy to address any issues.

7 MR. DUNN: Just one point of clarification.
8 So that list of scope bullets, those were simply
9 concepts which we were exploring input on. That was
10 by no means -- this is the list which we will now take
11 and put into the draft, just so people are aware that
12 that was simply to initiate discussion on how broad
13 should this be, what are the sort of concepts that
14 should be included.

15 CHAIRMAN RIZZARDI: So, to be clear, I'm not
16 trying to foreclose your discretion in any way. I'm
17 trying to give you as much discretion as you need to
18 do what you need to with those other issues. I
19 recognize they are important, but if our position is
20 limit the policy to recreational fishery, I understand
21 that and then we're giving you the additional
22 clarification that if you need another policy you can.

23 MR. DUNN: Just tell Sam I did not
24 encourage.

25 MR. DYSKOW: Yes?

1 MR. CLAMPITT: Thank you. You know, I hate
2 to be a stickler and drag this thing out, but just
3 like Tony said earlier when we were talking about
4 depleted and overfished, looking at the last
5 paragraph, the last sentence, "The subcommittee
6 recommends defining recreational fishing as shore and
7 private non for-hire vessels and for-hire vessels."

8 Well, for-hire vessels, the people that
9 hired the vessel are recreating, but the people
10 running that vessel and owning the vessel are not. So
11 I've got a problem with that. I think it should be
12 spelled out better. I don't really have a solution.
13 Go ahead.

14 MR. DUNN: Well, just a comment. From my
15 perspective as being the drafter, I don't know that
16 that second paragraph really adds anything. I mean,
17 the comment, the concepts which have really been under
18 discussion have been captured in the first -- at least
19 as I see it, under the first paragraph. The second
20 one actually, rec fishing isn't entities. I mean, the
21 way it's phrased there, "Recreational fishing as shore
22 and private." No, recreational fishery -- components
23 of the recreational fishery or something, so it's
24 phrased wrong as it is. But second of all, I mean, so
25 there you're also sort of -- you are providing a

1 definition which is inconsistent with the Magnuson
2 definition is one thing. And I don't know that it
3 adds a lot of value to the process.

4 MR. DYSKOW: Just to give you some
5 background, Russ, what the subcommittee's intent was,
6 we don't want separate policies for each of those
7 elements, whether it's for-hire, shore fishing, so
8 it's all encompassed under one broad policy. How it's
9 regulated isn't dealt with in this document. That's a
10 council issue. We're simply saying this is what the
11 scope of the policy would encompass. Shore anglers
12 don't get a bye. They're part of the policy. You
13 know, people that fish off of head boats don't get a
14 bye, they're part of the policy. And people that fish
15 from their own boats don't get a bye, they're part of
16 the policy.

17 MR. DUNN: I understand that. I think that
18 second one doesn't get to that point. It's just
19 every -- because there you're just literally trying
20 to -- it's literally trying to define recreational
21 fishing as the bullet says. And what you just
22 described is the recreational fishing community.

23 MR. DYSKOW: Well, you're the one that
24 ultimately has to draft and --

25 MR. DUNN: You could say something more

1 affirmative like MAFAC recommends that the
2 Recreational Fishing Policy -- that a single
3 recreational fishing policy, you know, cover or
4 include the following components or some -- if you
5 wanted to really --

6 MR. DYSKOW: I'd be comfortable with that.

7 MR. DUNN: Not trying to make right things,
8 but he --

9 MR. CHATWIN: What is the definition in
10 Magnuson?

11 MR. DUNN: Fishing for sport or pleasure.
12 Individuals, no specifics, no expense, no indicator.

13 MR. CHATWIN: So that first paragraph is
14 saying -- I mean, we're saying the policy should
15 remove those that you just said no to, right? And
16 then there is a broad definition that applies for all
17 other recreational fisheries.

18 MR. DUNN: What do you mean, a broader
19 background?

20 MR. CHATWIN: Well, the MSA -- so MSA has
21 been --

22 MR. DUNN: Yeah.

23 MR. CHATWIN: There's a definition in MSA.

24 MR. DUNN: Yeah.

25 MR. CHATWIN: So maybe the way to do it is

1 to stick with that definition.

2 MR. DUNN: I don't think we -- we don't want
3 to define recreational fishing here, because it's
4 already defined within the law.

5 MR. DYSKOW: I think the point here is we
6 want to define what it includes, not what it is. And
7 that was the intent because you sense there is a
8 desire to separate these things. And for the purpose
9 of policy we don't want to separate them. For a
10 purpose of managing or regulating them, there might be
11 separate policies. But that's not what this document
12 is intended to be.

13 MR. DUNN: So say that.

14 MR. CHATWIN: Yeah.

15 MS. YOCHER: Or, Phil, do you need to say
16 it? I mean, because if --

17 MR. DYSKOW: Well, I think --

18 MS. YOCHER: -- the only thing you took
19 out --

20 MR. DYSKOW: I just think we --

21 MS. YOCHER: -- were two out of the five --

22 MR. DYSKOW: I think what --

23 MS. YOCHER: -- and the other three
24 remain --

25 MR. DYSKOW: We could do that, but I think

1 it's important to understand that we are including
2 for-hire vessels in the scope of the recreational
3 fishing policy. So an easy way to do this might be to
4 say the Recreational Subcommittee recommends that
5 recreational fishing activities include -- so the
6 operative word being activities. These are the
7 activities that are encompassed within the scope.
8 Sure.

9 MR. CLAMPITT: How about passengers that
10 hire vessels?

11 MR. DYSKOW: Dick?

12 MR. BRAME: The folks that run a for-hire
13 vessel certainly are commercial and I agree with you
14 on that. But in this context, the key difference
15 between recreational and commercial fishing is putting
16 a price on the head of a fish. It's the motivation
17 that drives you to fish. You drive fish for profit.
18 And I know it's a nuance, but in the for-hire fishery
19 they're taking customers. They're not ascribing any
20 kind of -- they're not selling the fish, they're not
21 putting a price on the head of a fish. So I think
22 there's a real difference there. So including just
23 the customers on a for-hire vessel I think is not the
24 way to go. It is a for-hire vessel, it is taking
25 people fishing, and the way they make their money is

1 to take people fishing, not by selling a fish.

2 MR. CHATWIN: So my suggestion is going to
3 be just so that we can get over this and move on. If
4 you were amenable, you and your seconder were
5 amenable, I would suggest striking the second
6 paragraph because according to what we heard from Russ
7 it's not really adding to what you accomplished in the
8 first paragraph. And then we can avoid the perception
9 that we're trying to redefine recreational fishing.
10 So I suggest that as a friendly amendment.

11 MR. DYSKOW: I wouldn't be opposed to that.
12 How do the other subcommittee members feel about that?

13 MR. WALLACE: I made the motion, I can
14 accept that as a friendly amendment.

15 MR. BROWN: I think, Tony, your idea is
16 great and I think that the whole concept of for-hire
17 vessels could be rolled into the industry that
18 supports recreational fishing. And in that way you
19 talk about it from a different standpoint and you
20 don't get into allocation or all that other stuff.

21 MR. DYSKOW: The proposer of the approval
22 and the second have no objections, so I think unless
23 there are further discussion we're ready to vote on
24 the goals and scope as defined in this draft that's on
25 the screen at this moment. So, if we're ready to do

1 that, all those in favor, say aye.

2 (Chorus of ayes.)

3 MR. DYSKOW: Any opposition?

4 (No response.)

5 MR. DYSKOW: Okay. Thank you. I know this
6 was a lot of work, but it was important that we start
7 from a good place. We may not end up in a good place,
8 but we've got to start in a good place.

9 That concludes this and we're passing it
10 back to you, Keith.

11 CHAIRMAN RIZZARDI: Thank you, Phil, and
12 thank you, committee members, for another robust
13 discussion.

14 All right. It is now 12:45 and we have a
15 few action items left. I guess my instinct is to take
16 a lunch break, but I just wanted to talk through
17 what's left before we do. I know we have to go back
18 to the overfished versus depleted issue. We have a
19 report out from Protected Resources which will talk
20 about work planning for recovery. Is there an
21 ecosystems report separately from the overfished
22 versus depleted, Dave?

23 (No response.)

24 CHAIRMAN RIZZARDI: No ecosystems report.
25 Tony, did you have anything to go back to? You have a

1 very brief report? All right. So I'm seeing three
2 items. I'm suspecting at least some discussion. Is
3 there a consensus on an hour lunch and then come back?
4 You want a shortened lunch?

5 FEMALE VOICE: We're going to leave to catch
6 a cab at 3.

7 CHAIRMAN RIZZARDI: Okay. How many people
8 am I going to lose?

9 FEMALE VOICE: Well, about quarter to 3
10 we've got to walk to the cab.

11 CHAIRMAN RIZZARDI: Can we make it a working
12 lunch?

13 FEMALE VOICE: Yeah.

14 CHAIRMAN RIZZARDI: Grab food, come on back?
15 Does that work for --

16 FEMALE VOICE: Perfect. A half-hour break
17 or something. Yeah.

18 CHAIRMAN RIZZARDI: Yes, let's be back here
19 in half an hour, bring your lunch with you. That
20 would be great and we'll make --

21 MS. BONNEY: Do you have a suggestion of
22 where to go for lunch?

23 MS. LOVETT: There's a Baja Fresh right on
24 the plaza that's probably pretty quick.

25 CHAIRMAN RIZZARDI: Baja, Noodles is over

1 here, Chick-Fil-A is right over there at the corner.
2 There's even the Whole Foods. So let's try to grab
3 lunch in half an hour and have everybody back here.
4 Thank you.

5 (Whereupon, at 12:46 p.m., the meeting in
6 the above-entitled matter was recessed, to reconvene
7 at 1:15 p.m. this same day, Thursday, September 25,
8 2014.)

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1 considering several alternatives, MAFAC recommends
2 changing the word overfished to depleted. Depleted
3 indicates the stock status without pointing out a
4 particular cause (fishing). Depleted also prevents
5 confusion regarding the difference between overfishing
6 and overfished. However, the mere replacement of the
7 term overfished with the term depleted should not be
8 interpreted to alter the methodology or process for
9 determining that a stock has become depleted
10 (overfished), nor alter the requirements for
11 rebuilding the depleted (overfished) stock."

12 And so we should discuss this and I know
13 that there's some MAFAC members who do not support the
14 word change, and so the fallback position that we've
15 been talking about is just to not recommend this,
16 anything regarding changing overfished to depleted,
17 and just make the recommendation that follows, the
18 second part that I think we all agree to.

19 MS. EDER: Thank you. Mr. Chair, that
20 revision absolutely addresses my concerns and
21 comments. Thank you.

22 MS. MORRIS: And Tony and Alan are
23 comfortable as I understand with the rewrite of the
24 last sentence.

25 MR. CHATWIN: Yeah, I am.

1 MR. WALLACE: I recognize that a person who
2 has no idea about federal fisheries and federal
3 fisheries regulations might have a slight problem with
4 the two terms, overfished and overfishing. We've been
5 using those terms now for 40 years, and I understand
6 why people would want to use the word depleted,
7 especially in terms where some environmental event or
8 some other natural event has had a significant impact
9 on the population of a fish stock. But you know, and
10 I've stated it 100 times. I think this is going to
11 actually create more confusion than it solves. And
12 so, you know, I've never been a proponent of using the
13 depleted as the way to try to address those issues.
14 And hopefully, if this is passed and it gets into the
15 Magnuson Act, it's not used as an excuse to ignore
16 overfishing. Thank you.

17 MR. BROWN: I agree with, you know, the last
18 comment. But I have serious concerns about changing
19 overfished to depleted, and the reason why is if you
20 look at things in the context of Magnuson and the
21 councils and why this is even there is because we've
22 had problems, and the problems really are all about
23 sustainability. And I think a lot of the commercial
24 fishermen feel like they are being attacked because,
25 you know, they're harvesting fish, but at the same

1 time they feel like the other reasons that lead to
2 fisheries situation.

3 But when you really look at things in the
4 context of managing fisheries, I mean, the first thing
5 we do is a stock assessment, and from there is where
6 decisions are made. And, you know, the fishing
7 activities are kind of fluid in the ebb and flow, and
8 I think if we were to change overfished to depleted
9 we'll send the wrong message about sustainability.
10 And I think fishers have skin in the game and folks
11 who cause problems in the environment like the BP oil
12 spill, they've got skin in the game.

13 But under Magnuson I think, you know, how we
14 prosecute the fishing is really what it's all about
15 and I think we'd just be sending a wrong message. Now
16 I was very clear, I thought, initially that we should
17 be very vocal and say that we should not change and I
18 thought that going neutral would be okay as a
19 reasonable compromise, but I would not in any way feel
20 compelled to vote that we change overfished to
21 depleted.

22 MS. HAMILTON: I'd like to ask a question if
23 I could. Bob said something when we were discussing
24 this about you and your managers used the word
25 depleted already, and so is there something that

1 prevents the usage of that word where a council wants
2 to use it? I was thinking about, I serve on the
3 Habitat Committee and after three years of not meeting
4 spawning escapement I think it is we have to do an
5 overfishing report, which always seems real funny
6 because generally what we're doing is going through
7 the factors for decline, which for anadromous fish are
8 usually not overfishing.

9 But having said that, that's what we do,
10 we're used to it. You know, we know what the rules
11 are. We get our job done on time. Is there a reason
12 under Magnuson why the word depleted just can't be
13 used?

14 CHAIRMAN RIZZARDI: Okay. So I'll just make
15 the point that depleted is a word in the Marine Mammal
16 Protection Act that has its own defined meaning. So
17 one of the nuances of this is if the terminology does
18 change you'll have depleted under the MMPA, which is
19 distinct from depleted under the MSA. And just
20 understanding the historical context here as a
21 committee, we went through a big debate over this
22 through some telephone conference calls. We tried to
23 achieve neutrality. We couldn't get consensus on
24 neutrality. So then we've moved to this version which
25 has the changing overfished. I'm seeing the consensus

1 is slipping a little bit.

2 I think the one principle that we're all in
3 agreement upon is the last one, which is not to change
4 the definition, whatever we call it. But I'm still
5 trying to get a sense of where we should go as a body.

6 MR. CLAMPITT: Thanks, Keith. So the word
7 depleted in the Marine Mammal Protection Act, I
8 suppose, you know, it would be different than this,
9 radically different. Okay. Thanks.

10 MR. WALLACE: For discussion I move that we
11 use the second paragraph which goes back to where we
12 were originally or at least where I thought we were
13 originally where we have no opinion on the word,
14 replacing overfished with depleted. And so I hope we
15 get a second for discussion purposes.

16 MR. BROWN: Second.

17 CHAIRMAN RIZZARDI: Okay. So one thing I'd
18 like to point out if I could on that one. Early
19 drafts of this document had a prefatory discussion of
20 some of the legislation and some of the draft
21 legislation. I'm not sure if that's still in there.
22 I look at the clause on the screen and the second
23 sentence says, "This would be a significant change."
24 But there's nothing that "this" is modifying any
25 longer.

1 MS. MORRIS: Yeah. My intention was that
2 all of the issue discussion that precedes the actual
3 recommendation would be part of our report to NOAA.
4 So that will all be -- if you'd like to see it again,
5 I'll -- I think it's posted on the webpage. Okay.

6 MR. AMES: Keith?

7 CHAIRMAN RIZZARDI: Go ahead, Ted.

8 MR. AMES: (Electronic interference.)

9 CHAIRMAN RIZZARDI: So just for
10 clarification, the motion that's on the table has no
11 statement at all about the change in overfished to
12 depleted. It wouldn't be a statement of neutrality.
13 It would be no statement at all. And the only point
14 that would be there would be the changing the
15 definition with the prefatory language at the top of
16 the draft recommendation.

17 MR. CHATWIN: Thank you, Mr. Chairman. So I
18 just have -- I agree that the "this" in the second
19 sentence kind of hangs there. So maybe there could be
20 some language that we could put like adopting this
21 change would be a significant or adopting --

22 CHAIRMAN RIZZARDI: So, Tony, for
23 clarification, the opening sentence of the MAFAC
24 recommendation is, "Draft legislation proposed by
25 Representative Hastings, House Rep. 4742, proposes

1 replacing the word overfished with the word depleted
2 in the MSA. Other proposals circulating in Congress
3 also change the definition of overfished to depleted."

4 MR. CHATWIN: Okay.

5 CHAIRMAN RIZZARDI: So that's the opening
6 sentence, which "this" is modifying.

7 MR. CHATWIN: All right. And just then on
8 that one, do we want to identify the sponsor of a
9 bill, or do we want to just say bills circulating?

10 MS. MORRIS: Right. What we showed you the
11 last time we talked about this, was it on Tuesday?
12 Well, the last time we talked about it was this
13 morning. But the version we showed you had some
14 editorial -- right. Whitney found it.

15 MS. ANDERSON: Yeah, this is the one that
16 was online.

17 MS. MORRIS: It needs to be updated. So, if
18 you approve the motion that's on the floor and allow
19 me to make some technical updates, I think we would
20 have a finished product.

21 MS. EDER: Mr. Chairman, in regard to the
22 motion on the floor, and it's my understanding that
23 the motion is only the second paragraph at the bottom,
24 I support the content and the purpose of that motion,
25 but I would feel compelled to vote against that motion

1 because it does not include the language above. I
2 echo and 100 percent support Ted's comments in regard
3 to the importance of the inclusion of depleted instead
4 of overfished. Thank you.

5 MS. BONNEY: I guess my problem with the
6 motion that's on the table right now is that because
7 you don't -- if it said MAFAC has no opinion about
8 changing from overfished to depleted, but if you just
9 see that, I would say that we are taking a position on
10 the name change. So I prefer the first one, which is
11 we are taking a position on changing a word versus
12 taking -- otherwise we're just saying we don't want to
13 change the definition.

14 So, to me, you've got to link the two -- the
15 two things have to be linked together. So we're
16 either taking no position on the changing the word, or
17 we are taking a position on changing a word.
18 Otherwise we're just taking a position on changing of
19 the definition. So it seems to me we have to decide
20 whether we're supporting the change in the word or
21 we're not versus just saying support changing the
22 definition.

23 MR. NARDI: I don't want to remain
24 completely silent on this issue, but I think changing
25 to depleted is more comprehensive for the myriad

1 effects that the fishing industry is dealing with, and
2 overfished is narrow. So, in terms of this
3 discussion, I mean, I would lean towards allowing the
4 word depleted to be used in place of overfished.

5 MR. CLAMPITT: As a commercial fisherman, I
6 just, I don't see this changing my life one way or the
7 other, except that anybody who wanted to read why
8 we're adjusting a stock would be depleted instead of
9 overfished. I mean, when a stock gets overfished,
10 it's generally the fault of the Agency. They set the
11 quota in the first place, so I prefer depleted because
12 of that. So thank you.

13 MR. WALLACE: I will remind everyone if
14 anyone has forgotten that I represent the commercial
15 fishing industry on the East Coast. And I'm sure that
16 there are some of the folks that actually I don't
17 represent but are commercial fishermen who would
18 vehemently oppose me making this motion. Be that as
19 it may be, I made the motion because I think it's the
20 right thing to do.

21 CHAIRMAN RIZZARDI: Tony.

22 MR. CHATWIN: So, as everybody else here,
23 I'm hearing division in MAFAC. And so, you know,
24 what's not lost on me is this idea that there may be
25 value for MAFAC recognizing that fishing is not the

1 only factor contributing to an overfished status. You
2 know, we could have some preamble that says while we
3 recognize that is a fact that we remain neutral on the
4 actual recommending one way or the other. So we could
5 as a body demonstrate that we recognize it's not the
6 only factor out there. That would get in our public
7 statement, I mean, but it wouldn't be associated with
8 a recommendation one way or another.

9 MS. MORRIS: I'm sorry this is so difficult.
10 I can read you the previous language that said we are
11 neutral. We can go back to that. The previous
12 language was, "MAFAC members are divided on this
13 issue, with a minority strongly in favor of changing
14 the depleted and the majority favoring no change."
15 I'm not sure that majority and minority language makes
16 any sense anymore, so we could get rid of that.

17 "This results in a recommendation to remain
18 neutral on the word change. Depleted indicates the
19 stock status without pointing out a particular cause
20 (fishing). However, changing to depleted may lead to
21 an attitude that overfishing can continue since the
22 primary cause of the decline or the overfished status
23 is elsewhere. Managing harvest is the primary tool
24 that fishery managers must employ to address
25 overfished depleted stocks regardless of the cause."

1 Finally, "Changing the word would require
2 many editorial changes in current regulations and
3 management plans and unnecessary burden on staff time
4 with limited benefits."

5 So we can go back to that if you'd like.
6 The motion on the floor is to just not address this
7 issue.

8 MR. WALLACE: So excuse me. If somebody
9 would like to offer a substitute motion for the one
10 that Julie just read, you know, I would be willing to
11 accept that. But I was left with the choice with two
12 paragraphs to choose the one that most closely
13 resembled what I think about this. And so I have no
14 idea what the seconder would do, but I will offer that
15 suggestion to anyone who would want to make that
16 proposal.

17 MS. MORRIS: I'll move a substitute motion
18 to return to this language that appears struck out on
19 the screen, and dropping the word minority and
20 majority. Just some and some.

21 MR. WALLACE: I would accept that as a
22 friendly amendment. I think that's reasonable.

23 MS. EDER: This if I recall correctly was
24 the version that was discussed in subcommittee and I
25 was not alone in my objection to the sentence,

1 "However, changing to depleted may lead to an attitude
2 that overfishing can continue since the primary cause
3 of the decline is elsewhere."

4 Yeah, I continue to object to that language.
5 I don't think a change in the word from overfishing to
6 depleted is going to lead to an attitude. I mean, I
7 just fundamentally object to that language. And I
8 think, you know, I want to look at this in a larger
9 context because I think the question was raised, you
10 know, isn't this just a matter of semantics, you know,
11 the other day and aren't we just going round and
12 round. And we directly asked NOAA if they wanted a
13 recommendation from us, and the answer was yes.

14 So I do think this is important. And to the
15 extent that people, you know, may think that I'm much
16 too sensitive to every word in this, language matters.
17 Perception matters. Attitude matters. And how an
18 industry is respected matters. In the larger context,
19 this committee, NOAA, is looking at legislation in
20 both the House and the Senate that seeks to change the
21 definition, the thing that everyone is most concerned
22 about, the definition of changing overfishing.
23 They're not just talking about depleted and
24 overfishing. They're talking about something hugely
25 significant to the management of fisheries.

1 And from my perspective, I think that if
2 this committee recommends to NOAA and NOAA recommends
3 or takes a position congressionally or interacts with
4 Congress to say, you know, we hear you. We hear that
5 the industry feels damaged by this characterization,
6 so here's what we can do. We can agree to the
7 substitution of this word, depleted, for overfishing
8 to address some of industry's concerns. But you've
9 got to keep the fundamental definition the same. And
10 that's the big picture of how I look at this and why
11 it's important and why it has value.

12 So I will, as I've mentioned before, vote
13 against the motion. I don't support this language,
14 and I think there is a bigger picture value relative
15 to the reality of the legislation, people who are
16 driving it in a direction that this committee does not
17 want to see it go, and say we've got something for
18 you. We can work with you on this.

19 CHAIRMAN RIZZARDI: So noting Michele's
20 concern but recognizing that she still wouldn't
21 support it, I would like to suggest changing "an
22 attitude" to "a misperception".

23 MR. WALLACE: I have no problems with that.
24 I have no problems with the change.

25 MR. CHATWIN: So just comments on the motion

1 to substitute. I think the one thing that does get
2 lost here is the unanimity of our support for not
3 changing the definition. I think that in the motion
4 that's getting substituted was a lot stronger and I
5 think that's an important message that shouldn't get
6 missed. I think if we could add to this statement so
7 that we don't lose that, I think that would be a
8 valuable addition.

9 MS. MORRIS: Could you scroll down, Whitney?
10 You want to add something to the second part, Tony?

11 MR. CHATWIN: No. So my understanding was
12 that we are voting to substitute that language for
13 that language.

14 CHAIRMAN RIZZARDI: No, it's to supplement.
15 We're leaving the language on changing the definition.

16 MR. CHATWIN: Oh, okay.

17 CHAIRMAN RIZZARDI: That's staying. And in
18 fact we could move that up in the document if that was
19 something you wanted to see. Okay. Pam?

20 MS. YOCHAM: So, Tony, I think the issue is
21 there is two things here. Hastings' bill talks about
22 the overfished and depleted, replacing the word, and
23 then there are other bills that talk about changing
24 the definition of the word. And so what we had
25 originally or what we've been wrestling with is, can

1 we comment on both of those things?

2 CHAIRMAN RIZZARDI: Is there any further
3 debate?

4 (No response.)

5 CHAIRMAN RIZZARDI: All right. Seeing none,
6 the question has been called. All those in favor
7 of -- so it was accepted as friendly to revert back to
8 the original language. Okay. No further debate?

9 (No response.)

10 CHAIRMAN RIZZARDI: Okay. Seeing none, all
11 those in favor?

12 (Chorus of ayes.)

13 CHAIRMAN RIZZARDI: Any opposed?

14 (No audible response.)

15 CHAIRMAN RIZZARDI: Okay. Substantial
16 opposition. I need a show of hands on all in favor.

17 (Show of hands.)

18 CHAIRMAN RIZZARDI: Motion fails. So the
19 next item on the agenda is the Protected Resources
20 Committee report.

21 MS. MORRIS: Okay. So we had a great
22 briefing by Donna Wieting. We had a very productive
23 discussion by full MAFAC following that discussion,
24 and then we had a subcommittee meeting yesterday
25 afternoon and Therese Conner -- say again?

1 MS. ANDERSON: Conant.

2 MS. MORRIS: Conant, joined us for that,
3 which was very helpful. And so we have a proposed
4 work plan for the subcommittee work on recovery plans,
5 and there are two parts to it. The first part is a
6 retrospective analysis of recovery actions in recovery
7 plans. And we thought that we would work in
8 conjunction with NOAA staff to develop terms of
9 reference for a MAFAC task force to conduct a
10 retrospective analysis of recovery actions, and the
11 task force would include subcommittee members and
12 National Marine Fisheries Service Protected Resources
13 staff.

14 The initial analysis will examine the
15 recovery actions that are contained in up to six
16 recovery plans that attempt to represent the range of
17 recovery plans that NOAA Fisheries has. We'll try to
18 sort those recovery actions as either not started or
19 complete or ongoing. And we'll try to characterize
20 the recovery actions in each of those groups looking
21 for commonalities that could inform future recovery
22 actions.

23 The outcome of the analysis will be to
24 provide guidance to recovery teams to define the
25 characteristics of successful recovery actions and

1 will work closely with the Protected Resources staff
2 in the regions. So that's the first part, and I'm
3 sure as we work on the terms of reference some of the
4 vagaries and things that aren't clearly stated in that
5 will become much more clearly stated.

6 The second part is an effort to improve
7 clarity and build partnerships to implement specific
8 recovery actions. And this is a more limited task
9 where we've already sort of identified three recovery
10 plans that we would look at. We reviewed just the not
11 started recovery actions in those plans, and we would
12 do some brainstorming and working together to suggest
13 potential partners and strategies or ways that the
14 actions could be revised and clarified so that these
15 recovery actions would move from not started to
16 beginning to be implemented.

17 The Protected Resources staff would be
18 consulted or polled to see if these actions match
19 their needs or whether there are other recovery
20 actions that would benefit from the subcommittee's
21 review and expertise. So those are the two elements
22 of the work plan that we're proposing to do, and then
23 below the dashed line are some of the important points
24 that came up in the discussion that we don't want to
25 lose track of.

1 CHAIRMAN RIZZARDI: Action items for us?

2 MS. MORRIS: You know, just tell us that you
3 think we're on the right track or that we're totally
4 naive about how much we can get accomplished in a year
5 or you've got our backs. Whatever kind of feedback
6 you have for us.

7 So if there is no discussion --

8 MR. CHATWIN: Yeah, there is.

9 MS. MORRIS: Oh, I'm sorry.

10 MR. CHATWIN: I don't know if it's
11 discussion. It's a question which I raised earlier.
12 This idea of -- two points. One is there are six
13 recovery plans where the retrospective analysis can be
14 done and then another three. And maybe that three is
15 a subset of the six. But on the six, how do we know
16 that these are going to be representative of -- I
17 mean, because there's going to have to be a triage, a
18 selection of six as a subset of a much larger number.
19 So how do we know that the conclusions drawn from
20 those six are going to be applicable?

21 MS. MORRIS: Well, we talked about pulling a
22 random sample. There's 40 recovery plans that are
23 complete that NOAA Fisheries manages now, and so we
24 thought about pulling a random sample and then we
25 thought, well, it would be good to have an old one and

1 a more recent one and so we started to define some of
2 the characteristics of how we'd choose the six, and I
3 think we didn't want to be completely random and we
4 also didn't want to be completely directed, so we're
5 just going to have to use our judgment. What would
6 you suggest?

7 MR. CHATWIN: I mean, there are some very
8 simple statistical approaches that could allow you to
9 then compare results. If you have a question about
10 have things changed from the old ones to the new ones,
11 you could select a sample size. And then if you
12 applied the same methodology to the analysis on both,
13 even though the interpretation of the results may be
14 going to have to be sort of an interpretation, right,
15 I mean, the results maybe have to be an interpretation
16 of what you read, that would allow you some very
17 simple statistics to be able to say yeah, there are
18 differences or no, there are not.

19 And I would favor an approach that had that
20 as part of the design because otherwise you run the
21 risk of coming out with opinions that may or may not
22 be shared by others. So having a little statistics in
23 there, very simple stuff, might be helpful, yeah.

24 MS. MORRIS: I think that's a helpful
25 suggestion and as we define the terms of reference

1 we'll try to get back to you to better understand that
2 suggested methodology.

3 MR. CHATWIN: Thank you. And another
4 question, again clarification, is when you say look at
5 the actions that haven't started, the three in three
6 plans, the sense I get is that you can't just look at
7 the actions that haven't started. You're going to
8 have to look at the plan as a whole because one of the
9 reasons that action may not have started was that the
10 others were more important, had more relevance. So
11 maybe that's what you mean, but I just wanted clarity
12 on that.

13 MS. MORRIS: Well, I think if you look
14 further down in that bullet point, I think in the
15 conversations with the staff in the regions who
16 actually authored these plans, we'll get more insight
17 into, you know, why they included that action in the
18 context of the whole plan, why they think it may not
19 have started, and that's the goal there.

20 CHAIRMAN RIZZARDI: So I'm not seeing any
21 more discussion of the item. I think we're going to
22 have some work ahead. In a few moments I'll be
23 putting up a slide as to what I think our work plan is
24 over the coming months. But, Julie, thank you for
25 tackling this and getting as much documented as you

1 have.

2 MS. SOBECK: You know, I'd just like to
3 reinforce that these new -- I haven't been here for
4 all the report-outs, but, you know, you guys wrapped
5 up a lot of really important work over the last year
6 and kind of diving into a new set of tasks I think is
7 really important and I think this is really going to
8 be helpful and kind of pivot not our -- it's not going
9 to imperil our base work in this area, but it's going
10 to help us pivot and change some of our priorities and
11 change the way we talk about protected resources and
12 provide us a lot better, I think, information on where
13 we can improve on the recovery side of the equation.

14 And, you know, one of the reasons I had to
15 step out yesterday was to have a meeting with the
16 Marine Mammal Commission and two of their
17 commissioners, and we kind of made a truncated version
18 of the same presentation to you that Donna did or that
19 Donna made to you that we made to them of, you know,
20 we want to focus on recovery. Obviously for them it's
21 a smaller subgroup of this, but I just wanted to say
22 you guys are going to be a fundamental part of a
23 broader approach. I mean, we're going to be reaching
24 out to a broad array of our partners in this, and so
25 I'm really excited about this. I think this is going

1 to be a different -- like I say, bring a really
2 different approach and really reenergize the recovery
3 side of the equation. So wherever you guys exactly
4 land on this, I think it's going to be great.

5 CHAIRMAN RIZZARDI: Thank you, Eileen.

6 All right. Thank you, members, for that
7 one, that discussion. And again, thank you, Julie for
8 assembling all that.

9 Ecosystems, there is nothing else to report.
10 For everybody's benefit I want you to know that I
11 spoke with Dave about it and spoke with the NOAA
12 leadership and we decided to have Pam Yochem take over
13 as the ecosystems subcommittee chair. So
14 congratulations to Pam. Good luck.

15 (Applause.)

16 CHAIRMAN RIZZARDI: Tony, I think you have a
17 small report left on budget and strategic planning.

18 MR. CHATWIN: Yeah, and it's primarily just
19 to describe next steps, what we hope to do between now
20 and the next meeting and to make sure that we are on
21 the same page. So we had a good discussion, a good
22 initial foray into the cost recovery topic, and I
23 think there's enough interest around the table that we
24 should continue to explore that, and I believe Paul
25 agreed to work with his team to provide us some

1 framing questions that would help guide the work of
2 the committee because it could be a pretty broad
3 topic.

4 And so what we were hoping is that once NOAA
5 has been able to give us those framing questions, we
6 would schedule a conference call within the
7 subcommittee to start to discuss those in preparation
8 for the next meeting. And in discussions with Keith,
9 looking at the calendar, we thought that maybe January
10 would be a good time to get those questions from NOAA.
11 I don't know how that works with your calendar, Paul.

12 MR. DOREMUS: That should be fine.

13 MR. CHATWIN: So that we can then have a few
14 months to start discussing and diving deeper into that
15 topic. And I think that was it. So as long as the --
16 I would say the question for the committee would be,
17 is that a direction that you feel comfortable that
18 this committee follow?

19 (No response.)

20 MR. CHATWIN: Okay. Thank you.

21 CHAIRMAN RIZZARDI: All right. Thank you,
22 Tony. Whitney, if I pass my computer to you, can you
23 plug it in so that I can project something on the
24 screen?

25 MS. ANDERSON: I should be able to.

1 (Pause.)

2 CHAIRMAN RIZZARDI: So, as I sit here
3 listening to all the committee discussions and
4 committee reports, one of the things I try to do is
5 put together our plan for the next few months ahead.
6 And, you know, initially this was part of the work
7 planning exercise that was at the beginning of the
8 day, but as Eileen indicated, you know, we've been
9 planning over the last few days what our next rounds
10 of activity are, so I pushed it to the end. But I
11 wanted you to see where I think we are and what's
12 ahead.

13 So, for starters, in the very near future,
14 the folks working on the aquaculture rule will get
15 together. I think we'll be reaching out to some of
16 our past MAFAC members, asking them for some feedback.
17 And the goal will be October, late October, to have an
18 official MAFAC teleconference where we would be
19 discussing and voting on proposed comments on that
20 rule. So that means, of course, NOAA is expeditiously
21 going to be publishing an announcement of that meeting
22 in the *Federal Register*. And that's our next meeting.
23 We'll effectively be teleconference in late October.

24 So then we go to December, and I'm
25 anticipating that we need to start getting the things

1 in motion. I looked carefully at the annotated
2 agendas and one of the things that was clearly on
3 there was for the ecosystems committee and their role
4 in supervising and working with the Climate Change
5 Task Force. The expectation is that we'll be
6 reviewing and commenting on the draft Climate Science
7 Plan. And the objective and the time frame there was
8 late 2014, so if we're going to get that done, that
9 means we're probably having a teleconference in 2014.
10 And what I added to the list here is also having our
11 body approve the task forces and who is going to
12 participate in them. If you have recommendations on
13 people who you'd like to see on that task force,
14 please send them my way. All right? I think we have
15 the opportunity to select some people and we'll work
16 our way through a process there.

17 And then relatedly, Julie's report indicated
18 that we need to work out the terms of reference, so
19 we'd be working with the NOAA staff on getting that
20 done around that time as well.

21 Would you go to the next slide for me?

22 So Tony just indicated that for January our
23 hope is to get the key questions and documents
24 relating to whatever initiative we're going to
25 undertake on cost recovery and cost sharing. And then

1 February is really where you can see the take-home of
2 what our committee is now working on. You can see
3 each of our committees or each of our subcommittees
4 and what they're undertaking. We've got Ecosystems
5 working on the climate change documents, we've got
6 Commerce working on the aquaculture documents, we have
7 Protected Resources working on recovery, and we've got
8 the Budget Subcommittee working on cost recovery and
9 cost sharing. So, you know, a pretty clear
10 articulation of what's come out of this process and
11 what we can look forward to in the near future.

12 All right. Next slide. I want to also just
13 end this meeting and wrap up this meeting with some
14 really big thank yous. The first one are to the
15 leaders that are sitting on either side of me. And it
16 hasn't been lost on me how much the NOAA leadership
17 has shown up here today and how much we on MAFAC are
18 appreciative of having you here and spending your
19 valuable time with us. It really means something to
20 us to know that you're listening and valuing what we
21 have to say.

22 And then to the folks where the devil is in
23 the details, you know, Heidi and Heather and Whitney,
24 you've all been hustling and, you know, that hasn't
25 been lost on me either. Somebody has got to set up

1 the wires and the computers and everything else, so
2 thank you for that.

3 And then lastly and certainly not least, to
4 my two subcommittee chairs, Dave Wallace and George
5 Nardi, you guys have been phenomenal. George left?

6 MALE VOICE: He's gone.

7 CHAIRMAN RIZZARDI: He just left.

8 FEMALE VOICE: He backed out. He just
9 sneaked out.

10 CHAIRMAN RIZZARDI: He just left.

11 FEMALE VOICE: I know.

12 CHAIRMAN RIZZARDI: Oh, well.

13 FEMALE VOICE: In absentia.

14 CHAIRMAN RIZZARDI: In absentia, along with
15 George just joined Martin and Patty, but I for one am
16 going to give a standing ovation to Dave. Thank you,
17 man.

18 (Applause.)

19 CHAIRMAN RIZZARDI: So, with that wrap-up,
20 Heidi, I'll turn it over to you for helping us plan
21 the next meeting and I know you had a couple of last
22 announcements.

23 MS. LOVETT: I just wanted to share with you
24 that we had looked ahead at the whole 2015 calendar
25 and identified potential dates for meetings that

1 didn't conflict with council meetings, commission
2 meetings, the CCC and any other -- our internal
3 leadership meetings and anything else that people had
4 flagged for us.

5 So these are the potential dates, and
6 obviously you can see there's a few notes next to some
7 of them that they border various federal holidays. So
8 I didn't know if -- you know, unfortunately we're now
9 at a skeletal group. We certainly can do a Doodle
10 poll, but if anybody knows right now of major
11 conflicts, we can cross dates off on the potential
12 list. But generally speaking we have meetings. Our
13 meetings have been in the spring, so the April, May,
14 June-ish have been -- maybe that late March, March,
15 April, May, would be a potential target for the spring
16 meeting. So I just -- yeah.

17 MR. CHATWIN: So off the bat, just March 23
18 to 27th, I have a conflict there. If we could avoid
19 that one that would be great.

20 MS. LOVETT: Okay.

21 CHAIRMAN RIZZARDI: And I'll just say
22 realistically, in order for our subcommittees to have
23 time to get things done, I would prefer to rule out
24 the February and March dates as well. I'd like to
25 give us a chance to absorb some documents and get the

1 work done.

2 MS. LOVETT: Any other major conflicts
3 people know of now?

4 MS. HAMILTON: Heidi. I'm just going to
5 make the same plea I did on the phone last time, that
6 there is fabulous fishing in the Portland area late
7 April/May, so if you want to have a meeting there, we
8 could do some field trips.

9 CHAIRMAN RIZZARDI: So I'm going to jump on
10 that and just point out it has been quite a while
11 since MAFAC has traveled to the West Coast and we have
12 a number of West Coast members who keep making the
13 schlep east. If the budget allows, I understand
14 that's always the issue, we're certainly open to going
15 over there, and whether it's San Diego or Oregon or
16 wherever else that NOAA has the facilities that are
17 most conducive to host us, I think there's an appetite
18 in the committee to go to the West Coast and certainly
19 from the folks who have been traveling all these
20 times.

21 MR. CLAMPITT: I also noticed that late
22 October, after the 16th -- this may be an advantage
23 for you, I'm not sure, but I'd be off the committee by
24 then, along with Tony, and you. So I think those are
25 out. Just because we can't miss Keith.

1 MR. CHATWIN: And could I make a plug for us
2 not to meet the week of July 4?

3 MS. LOVETT: It looks like we'll target and
4 look at the April 27 to May and May 26 to 29 as the
5 two potential weeks in the spring, and obviously we'll
6 poll everybody. And then the two dates, September and
7 October, that remain as the targets. So that focuses
8 it for us greatly, which is good.

9 MS. MORRIS: So are we still on the one
10 meeting a year, one face-to-face meeting a year plan?

11 MR. DOREMUS: As Keith was indicating, it is
12 subject to budget review. The FY '15 budget is very
13 uncertain right now, so that's all I could say. Going
14 in to things, there is not the intent to restrict to
15 one. We would prefer to get back to what is more of a
16 normal cadence. And I hope that the FY '15 budget
17 allows us to do that.

18 MS. LOVETT: I did not have anything else.

19 CHAIRMAN RIZZARDI: Okay. Is there any
20 further business from the members?

21 MS. LOVETT: Actually, I'm sorry, I do have
22 one other thing. So we were talking about that
23 meeting in October, and just knowing calendar and time
24 to get it in the *Federal Register*, and because of the
25 date, needing it to be completed before the 27th, we'd

1 be targeting the week of October 20 for the final full
2 committee consideration of the subcommittee work. So
3 if there's any -- and normally we've been holding
4 these meetings at 3:00 to accommodate the distance
5 that our members are, you know, their daylight hours
6 essentially, so we can accommodate participation from
7 Hawaii, Alaska, American Samoa.

8 So, if anybody has their calendar and knows
9 right away of bad dates, again, we can avoid them.
10 Otherwise, probably the Wednesday, Thursday, or Friday
11 of that week, 22nd, 23rd, 24th would be the latest
12 that we can schedule your teleconference meeting. And
13 I can do a quick Doodle Poll on that. Okay? All
14 right.

15 MR. WALLACE: May I ask a question? Both
16 George and I, our terms expire I think on the 15th.
17 Yeah, I don't remember the date. It's either the 10th
18 or the 15th. So George is still the Chair of that
19 committee unless you appoint one like right now, and
20 I'm a member of that committee and so the question is,
21 should we participate or should we not participate?

22 CHAIRMAN RIZZARDI: Okay. So as far as the
23 Chairs are concerned, it will be Julie and John Corbin
24 serving as co-chairs --

25 MR. WALLACE: Okay.

1 CHAIRMAN RIZZARDI: -- for the Commerce
2 Committee. And I don't know whether and how we can
3 work it out, but I'd certainly turn to NOAA staff. It
4 would be my preference to have George and Dave be able
5 to participate in bringing us over the finish line on
6 these items.

7 MS. LOVETT: That should be fine, and as far
8 as individuals who identified they wish to be on the
9 Commerce Committee is Julie, Paul, John Corbin,
10 Michele, and Pam, in addition to George and yourself.

11 MS. YOCHAM: And given that I'm now going to
12 chair Ecosystem, I think I would be listed as Chair of
13 that committee and then also be on Protected
14 Resources.

15 MS. LOVETT: Okay.

16 MS. YOCHAM: And then Commerce as I can.

17 MR. CHATWIN: So the conference call in
18 October is a subcommittee?

19 MS. LOVETT: No. So the intent is, and I
20 was talking this over with Susan, if you recall,
21 George had said that there were some questions, they'd
22 like to engage staff in answering some questions.
23 Susan shared with me the dates that Jess Beck, who is
24 the aquaculture staff person from the Gulf and most
25 familiar with this rule, is available the week of the

1 10th, the October 6 through the 10th, and October 14
2 through the 17th. So we would try to do a Doodle Poll
3 very quickly for subcommittee work in the early part
4 of October or the -- yeah, beginning that first week
5 of October, and tie in Jess and any other aquaculture
6 staff that's available.

7 So this particular discussion was about a
8 full committee, a noticed meeting in the *Federal*
9 *Register* for the full committee that week of the 20th
10 to the 24th. And that FR notice I would be jumping on
11 and getting it pushed out the door by Monday so it's
12 timely. It has to be published 15 days before you
13 meet.

14 CHAIRMAN RIZZARDI: Okay. Any further
15 member business?

16 (No response.)

17 CHAIRMAN RIZZARDI: All right. Thank you,
18 everybody. This concludes the MAFAC meeting. Safe
19 travels, everybody.

20 (Whereupon, at 2:16 p.m., the meeting in the
21 above-entitled matter was concluded.)

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REPORTER'S CERTIFICATE

DOCKET NO.: N/A
CASE TITLE: MAFAC Fall Meeting
HEARING DATE: September 25, 2014
LOCATION: Silver Spring, Maryland

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the National Oceanic and Atmospheric Administration.

Date: September 25, 2014

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